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treatment of drug abuse and the rehabilitation of narcotic addicts in correctional and penal institutions. In cooperation with schools, law enforcement agencies, courts, and other public and private agencies, special efforts should be made to assist such programs aimed at juveniles, youth offenders, and young adults.

A comprehensive program of this type would also provide services for outpatient counseling of former narcotic addicts—including employment, welfare, legal, education, and referral assistance—in cooperation and coordination with the welfare and rehabilitation departments of local political subdivisions within the State.

It would, in addition, establish enlightened, comprehensive programs of public education about the prevention of drug abuse and narcotic addiction. My bill would commit the Federal Government to a major role in meeting these pressing needs.

The use and abuse of marihuana and the stringent criminal penalties applicable to violations of laws governing its possession and use present a special problem.

Some authorities say that 50 percent of college students have tried marihuana at least once. Dr. James L. Goddard, former head of the Food and Drug Administration, has stated that 400,000 Americans may be using it regularly. We must clear away the haze of misconception and establish, once and for all, the facts about the dangers inherent to marihuana use and abuse.

My bill creates a Marihuana Study Commission for this purpose. The Commission would be composed only of persons with experience in the medical, mental health, and social problems attendant to marihuana use. It would be located in the Office of the Assistant Secretary of Health, Education, and Welfare for Health and Scientific Affairs. It would make a full study and report in 18 months of marihuana use and especially on the physiological and psychological effects of infrequent, temporary, and long-term marihuana use.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2921) to assist State and municipal governments and nonprofit, private organizations in providing for the development of programs and the construction, maintenance, operation, and staffing of facilities for the prevention, treatment, and rehabilitation of drug addicts, and in reducing the incidence of crime and delinquency related to narcotic drug addition and drug abuse, and for other purposes, introduced by Mr. GOODELL (for himself, Mr. Case, Mr. GRAVEL, Mr. HOLLINGS, Mr. INOUE, Mr. JAVITS, Mr. METCALF, Mr. MILLER, Mr. NELSON, and Mr. PERCY) was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

Mr. GOODELL. Mr. President, the choice before the American people on the issue of crime, is to make either sound, reasoned judgments; or decisions based on emotion, misinformation, and slogan. The first course is difficult and

frustrating, but the second is dangerous and dishonest.

These three bills or any other legislation are not the whole answer. These issues are the logical outgrowth of dramatic change in our society which must be confronted in a larger sense, by the Congress, the States, our local communities, and the people themselves.

A poet once wrote, "there are a thousand hacking at the branches of evil to one who is striking at the root."

The root of the crime problem is growing through the foundation of our society. I call upon the Congress today to strike at it, to cut it back, and to help build a new, more rational, and more civilized social order by seriously committing us to the rebuilding and reorienting of our criminal justice institutions in America.

ROCKY MARCIANO

Mr. DODD. Mr. President, earlier this month Rocky Marciano was laid to rest after a tragic plane crash in Iowa claimed his life.

I am deeply saddened by the loss of this man, who was a hero to millions throughout the world.

Rocky Marciano was a fighter whose success was nonpareil. He climbed through the ropes 49 times and emerged each time wearing the victor's laurel, having won in a style that was never elegant or classic, but always courageous.

He was a gentle man and an acutely sensitive one. His opponents were amazed at his gentleness outside the ring. He was respected by all of them and loved by many of them.

On the night of the most important victory of his young life, Rocky Marciano was heartbroken because the man he had defeated was his boyhood idol, Joe Louis. Joe Louis never forgot Rocky's apology for having defeated him.

In a time of antiheroes, Rocky was truly a great American hero. As the son of an Italian immigrant, his life was a model for those Americans who believe that a man, by dint of hard work, can achieve his goals. Throughout his life he remained a devoted son, husband, and father. One of the reasons he gave for his ring retirement was so that he could spend more time with his parents, wife, and children.

Many retired champions have been deluded by the quick glory and easy adulation received in sport. They have confused easy success in sport with easy success in life.

Unfortunately, some have been unable to stand up to the challenges of life.

Rocky Marciano was never confused in making the transition. He brought to his retirement the best qualities of his ring career: courage, perseverance, and dedication. He succeeded beyond all expectations.

As he began his retirement years he knew that success in life would be measured not by foes vanquished but by friendships gained. And Rocky Marciano had thousands of friends.

His hometown newspaper, the Brockton Enterprise made the most appropriate assessment of the loss of this great man. It said:

The Golden age of boxing died twice. Once in April, 1956, when Rocky Marciano retired and for the second time in a plane crash in Newton, Iowa.

Rocky Marciano exemplified all that is best about sports.

He translated all the painfully learned lessons of courage, respect, and perseverance to a code of conduct which made him admired and honored among men.

CORRECTION OF THE RECORD

Mr. COOPER. Mr. President, I ask unanimous consent to correct the permanent Record of yesterday's proceedings, on page S10736, in the first line of the second paragraph following insert "15. Constitutional Processes," by substituting the word "He" for the word "I".

The PRESIDING OFFICER. Without objection, the correction will be made.

USE OF U.S. FORCES IN SUPPORT OF LOCAL FORCES OF LAOS AND THAILAND.

Mr. COOPER. Mr. President, yesterday, by a vote of 86 to 0, the Senate approved an amendment to section 401 of the Defense procurement bill, whose purpose, as I explained during the debate, was to prohibit the use of any funds authorized by this bill, or under any other act, to support U.S. forces in combat in support of local forces of Laos and Thailand. This is our constitutional right. Although the distinguished manager of the bill, Senator STENNIS, would not agree with my interpretation, I do not see how anyone could have failed to recognize its purpose—which is, as Senator MANSFIELD stated succinctly—to keep the United States from backing into other wars without the authority of Congress.

In today's New York Times, there is a report of "a series of secret military operations in the last 3 weeks where American backed troops have seized two strategic areas of Laos long held by pro-Communist forces." The report from Vientiane went on to say:

American participation in both the Plaine des Jarres and Ho Chi Minh Trail campaign now extends to the field level, the sources said. They confirmed that United States planes of Air America, Continental Air Services and the United States Air Force—were flying reinforcements, supplies and arms to advanced areas, while American Army officers and agents of the CIA were advising local commanders. So far, there has been at least one confirmed American battle death in Laos. It occurred last week when an American CIA agent was killed by gunfire at an advanced post.

Mr. President, it is ironic that on the very day following the Senate vote we should have a report of the use of American forces in combat in support of local forces in Laos.

I do not know personally that the report is correct, but the pattern of events as indicated by this morning's article from the New York Times shows a very striking similarity to the way we became involved in the war in Vietnam.

In view of this report, and in view of the Senate's action of yesterday, I would hope that the distinguished chairman of the Armed Services Committee and the

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such assistance. Not less than 25 percent of the funds would be required to be utilized for study in subjects related to professional diagnostic and treatment services.

Title II would also provide for the creation of a Presidential Advisory Council on Criminal Justice Professions Development. It would require an annual assessment of criminal justice manpower needs by the Attorney General. And it would authorize a national criminal justice professions recruitment program.

Corrections education is another area which is in dire need of new initiatives as a tactical necessity in achieving the longer range strategic objectives of correctional rehabilitation. Title III of my bill would provide for the training and utilization of specially trained teachers for use in correctional institutions and in delinquency intervention programs in the local community.

The Education Professions Development Act of 1967 would be amended to allow the Teacher Corps to carry on, on a fully funded basis, a program in this area which it is successfully conducting on a demonstration basis at the present time. The title also provides for research and demonstration projects in corrections education services.

Title IV provides for coordination by the chief executive of the State of all activities of State planning agencies working in the area of crime control, offender rehabilitation and juvenile delinquency control under and pursuant to various Federal laws. Provisions are extensive coordination at the Federal level are also set forth.

In addition, it provides for the creation of an Office of Technical Assistance for Crime and Delinquency Prevention in the Department of Health, Education, and Welfare, which would aid and advise States in establishing and organizing planning agencies, prepare model State plans, and propose comprehensive goals.

Title V provides a 4-year \$280 million program of assistance to the States for the renovation and construction of modern correctional rehabilitation facilities. Criteria would be established by the Attorney General after consultation with the Secretary of Health, Education, and Welfare. The planning agencies operating in each State pursuant to the Omnibus Crime Act would prepare and execute a plan for the modernization of existing facilities and the construction of new corrections and detention facilities throughout the State.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2919) to assist State and local criminal justice systems in the rehabilitation of criminal and youth offenders, and the prevention of juvenile delinquency and criminal recidivism, by providing for innovative programs of vocational training, job placement, counseling, correctional education services, corrections systems manpower acquisition, the establishment of regional Crime and Delinquency Centers, a national criminal justice professions recruitment program, and for other purposes, introduced by Mr. GOODELL, was received, read

twice by its title, and referred to the Committee on the Judiciary.

S. 2920. PREVENTIVE DETENTION ACT

Mr. GOODELL. Mr. President, the Preventive Detention Act seeks to lower the level of violent crime by authorizing the pretrial detention in Federal court of certain repeat criminal offenders, who may be considered to be dangerous to the community-at-large.

Like so many issues in the administration of criminal justice, the subject of preventive detention is charged with emotion. There is wide disagreement as to its advisability as a matter of policy and as to its constitutionality.

My proposal is both constitutional and advisable, in view of a demonstrated challenge to the public safety by many repeat offenders who commit violent crimes while on bail, probation or parole. In this situation the law should be broad enough, and sensible enough to protect the larger and quite legitimate interest of society as a whole.

It has been stated that any preventive detention provision cannot be reconciled with the defendant's right to the presumption of innocence. In fact, the presumption of innocence of an accused accrues in the courtroom at the time of trial. This is not to say that the presumption is only a presumption of going forward with the evidence. If the presumption remains inviolate at trial, its full purpose is served. There is not presumption of innocence during the pretrial process of bringing a defendant to trial. The very fact that we have always permitted pretrial detention to prevent escape of a defendant pending trial indicates that the presumption of innocence accrues at the time of trial and is not necessarily violated by pretrial detention.

The public is properly outraged that today the law cannot operate to detain this category of repeat offenders who, by any standard of common sense, poses a very serious danger to the community in which he lives. And of course, that community is usually a ghetto community where most crime goes unreported. My bill would accomplish these purposes without violating the rights of an accused.

The bill would authorize, with carefully drawn safeguards, the preventive detention of persons who have been admitted to bail or placed on probation or parole, and charged or convicted as the case may be, with a particular kind of felony and who, during such period, are charged with a second felony of the same kind.

Both charges must be felony offenses "involving the use of a dangerous weapon or deadly physical force resulting in serious bodily injury to another." The operative elements of this key phrase are statutorily defined.

In my bill, the issue of pretrial detention must be resolved, by a three-judge panel of the U.S. District Court. Also, the bill gives the court authority, in lieu of imposing detention, to impose conditions upon the release of the defendant, including a condition requiring him to return to custody after hours.

My bill also deals with the first of-

fender who is charged with a felony offense "involving the use of a dangerous weapon or deadly physical force resulting in bodily injury to another." While pretrial detention is not authorized in the bill in this situation, there are conditions which may be imposed upon the release of the person charged, including a requirement that he report to a probation or parole officer or a U.S. marshal not more than once every 24 hours, disclosing his activities, whereabouts, associations, conduct, travel, and place of abode during the pretrial period.

The bill sets out appellate procedures, mandatory penalties for bail jumping and creates an additional offense for committing an offense while on release.

The bill specifically requires civil commitment of persons detained pursuant to this statute, and provides that the detention order expires within 30 days, with authority for a 10-day extension, for good cause shown. It recognizes the principle that such persons must be guaranteed an expedited preference for trial.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2920) to amend the Bail Reform Act of 1966 to authorize consideration of danger to the community in setting conditions of release, to provide for pretrial detention of dangerous persons, and for other purposes, introduced by Mr. GOODELL, was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 2921. DRUG ABUSE SERVICES AND MARIHUANA STUDY ACT OF 1969

Mr. GOODELL. Mr. President, recognizing that there is a clear and demonstrable relationship between narcotics addiction and the high incidence of crime, I am also introducing legislation today designed to require the Federal Government to assume the responsibilities in this area which it has for so long evaded.

My third bill, "The Drug Abuse Services and Marihuana Study Act of 1969," would provide a 5-year \$350 million program to assist States, units of local government, and nonprofit, private organizations in the prevention and treatment of drug abuse and the rehabilitation of drug addicts.

It would provide for a comprehensive program within each State designed to meet the costs of constructing, equipping, and operating treatment and rehabilitation facilities, including post-hospitalization and after care neighborhood rehabilitation centers for narcotic addicts.

Provision is made for the recruitment, training, and utilization of "community narcotic prevention and rehabilitation officers" to serve with and under the direction of professional medical, psychiatric and social welfare personnel in narcotic addiction treatment and rehabilitation programs. I believe that it has been demonstrated beyond question that former addicts can and must play a major role in narcotic rehabilitation programs of all kinds.

The bill will also authorize the funding of programs for the prevention and

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distinguished chairman of the Foreign Relations Committee would look into the situation and report to the Senate their findings. This is a matter of the most serious concern. During the debate, I asked several times whether our forces are engaged in combat in Laos or Thailand, but no clear answer was given. I think the situation calls for full hearings, a reply from the executive branch, and a full discussion by the Senate.

I ask unanimous consent that the article from the New York Times be placed in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S.-BACKED LAOS TROOPS CAPTURE TWO REBEL AREAS

THAI FORCE ALSO USED

(By T. D. Allman)

VIENTIANE, LAOS, September 17.—In a series of secret military operations in the last three weeks, American-backed troops have seized two strategic areas of Laos long held by pro-Communist forces.

In northeast Laos, rightist forces, stiffened by Thai soldiers and officers, have seized the Plaine des Jarres, a strategic area 105 miles north of here. The plain had been held by the Communist since 1964. In central Laos, similar forces have pushed east along Route 9.

INTEGRATED PLANNING REPORTED

Reliable sources confirmed today that Laotian Government troops, with heavy United States air and logistic support, had taken Khang Khal, until recently the site of a Chinese Communist diplomatic mission, and Sepone.

In addition, Laotian troops have seized the town of Muong Phine, also in central Laos, and the towns of Muong Phanh, Xieng Khouangville, Ban Ban, Ban Lat Sene and Phong Savan—all in the Plaine des Jarres area.

Well-informed sources today said that the successes were the result of fully integrated American-Laotian military planning and the most intense American bombing ever seen in Laos. So far, the advances have met little resistance, leading military observers to believe that the offensives caught the Communist-led Pathet Lao and their North Vietnamese allies by surprise.

The sources said Laotian units, some made up largely of Royal Thai soldiers in Laotian uniforms, had moved onto the plain and west along Route 9 after round-the-clock bombing had leveled several towns and scattered small defending forces.

The offensives, planned late last month at conferences in Long Cheng in northeast Laos and at Savannakhet in central Laos, appear designed to deal the Communists a serious blow as United States troops are withdrawn from Vietnam.

The thrust into northeast Laos—where during the last years the Government position had steadily deteriorated—counters rebel military victories that seemed to discredit the neutralist Laotian Premier, Prince Souvanna Phouma.

In June, North Vietnamese and Pathet Lao troops seized Muong Soul, a neutralist base, northwest of the plain.

GOAL IS HO CHI MINH TRAIL

The thrust across central Laos, according to well-informed sources is an attempt to use Laotian and Thai troops to cut the Ho Chi Minh Trail and reduce North Vietnamese infiltration into South Vietnam.

"In a very real sense, the war in Vietnam is now being fought in Laos," said one diplomatic source today. He said the American-Laotian thrust toward the South Vietnamese

border might provide the Nixon Administration with reduction in infiltration to justify large-scale troop withdrawals from South Vietnam.

United States B-52 strikes along the Laotian sections of the trail have increased greatly in the last two weeks, the sources said. They said as many as 500 sorties a day were being flown over Laos and that the increase in bombing in Laos was part of the reason for the lull in the air war in South Vietnam.

American participation in both the Plaine des Jarres and Ho Chi Minh Trail campaigns now extends to the field level, the sources said. They confirmed that United States planes—of Air America, Continental Air Services and the United States Air Force—were flying reinforcements, supplies and arms to advanced areas, while American Army officers and agents of the Central Intelligence Agency were advising local commanders. So far, there has been at least one confirmed American battle death in Laos. It occurred last week when an American CIA agent was killed by gunfire at an advanced post.

SENATE VOTES A CURB

(By John W. Finney)

WASHINGTON, September 17.—The Senate unanimously adopted an amendment today ostensibly designed to prevent American troops from being committed to combat in Thailand or Laos.

Whether the amendment would have such effect was disputed by the Defense Department and Senator John Stennis of Mississippi, chairman of the Senate Armed Services Committee.

The amendment was offered by Senator John Sherman Cooper, Republican of Kentucky, and approved by an 86-to-0 vote after a confused debate that left the amendment open to widely different interpretations.

The amendment, to a \$20-billion military authorization bill, specified that none of the funds could be used for American combat support of "local forces" in Thailand or Laos. His purpose, Senator Cooper declared, was to "prevent, if from moving step by step into war in Laos or Thailand, as it did in Vietnam."

Senator Stennis argued that the Cooper Amendment would apply to only \$2.5-billion in military aid for Thailand and Laos, as well as South Vietnam. Thus, he contended, the amendment would impose no restriction on the use of other military funds to support combat operations in Laos or Thailand.

In this contention Mr. Stennis was supported by a Defense Department memorandum that he read to the Senate. The memorandum said that under the amendment the current military aid to local forces in Laos and Thailand could be continued and the amendment would "have no impact on the use of funds for support of U.S. forces in Laos or Thailand."

Throughout the debate ran an element of uncertainty over whether American forces might already be committed in Thailand and Laos without any official acknowledgment by the Administration and without any specific approval by Congress.

At one point, Senator Cooper questioned whether "the President and the Secretary of Defense don't want it [the amendment] because we already have forces fighting in Laos or Thailand."

The Senate action came as dispatches from Laos reported important military gains by Laotian Government forces, with United States air and logistical support, against the Pathet Lao, Communist-led guerrillas.

Senator Cooper—without any specific contradiction by Senator Stennis—said "I think we are fighting there." But he noted that neither the Pentagon nor the State Department had ever told Congressional committees that American troops were engaged in combat in Laos or Thailand.

45,000 TROOPS IN THAILAND

The United States has 45,000 troops in Thailand, with American bases there used for bombing operations in South Vietnam. Except for an incident a few years ago in which American "pilots" were flying helicopters carrying Thai troops, there has been no public indication that American troops were assisting Thai forces in operations against insurgents.

In Laos, the United States conducts bombing operations against enemy supply lines leading into South Vietnam. The Central Intelligence Agency is known to provide logistic support to the neutralist Government, but again there has been no official confirmation that American troops are providing combat support.

Under a recently disclosed contingency plan signed in 1946, the United States agreed to supply combat troops to help Thailand resist attack through Laos.

The Nixon Administration, however, has made clear that it is not necessarily bound by the plan, and the effect of the Senate adoption of the Cooper Amendment could be to further vitiate the effectiveness of the controversial agreement by the Johnson Administration.

For all the confusion today, it seemed apparent that Senator Cooper had taken the Senate one step toward using its control over funds to prevent the Administration from committing the nation to war in Laos or Thailand without approval by Congress.

As the majority leader, Senator Mike Mansfield, summed it up at the conclusion of the debate:

"The purpose is well known—to see that we do not back into another Vietnam in Laos or Thailand."

Senator Stennis said he supported the purpose of the Cooper amendment, although he believed it ineffective as phrased. Thus a more restrictive amendment may be offered to the appropriations bill when it reaches the Senate floor this fall.

A national commitments resolution voted by the Senate in June called on the Administration not to comment American troops to foreign hostilities without "affirmative action" by Congress. The Cooper amendment was seen as a further manifestation of the rising demand in the Senate for a check on the foreign policy powers of the executive branch, particularly on the war-making powers.

OUTRAGE

Mr. YOUNG of Ohio. Mr. President, Army Sp5c. Michael Maxwell of Columbus, Ohio, has been fired as war news editor of the American Forces Vietnam Network in a dispute over military censorship of war news. Maxwell was relieved of duty last night after he informed his superiors he had been interviewed by CBS news about censorship. During the interview a reporter asked Maxwell whether there was censorship of the news he broadcasts to American GI's.

My answer to that would be an unequivocal yes. There is censorship of the news. It comes from two levels—the United States Command Office of Information and also from the administration of our station here in Saigon. Some examples recently: The statement of Vice President Ky, Vice President of Vietnam that there would be an American troop withdrawal. He stated the figure of 40,500 men. This story was not aired on AFVN radio for 24 hours.

Lt. Col. James Adams, the officer in charge of the Vietnam network of the American forces of South Vietnam, apparently took a dim view of Specialist

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Maxwell's industry and enterprise in insisting upon factually reporting to our officers and men in Vietnam important news even if it involved statements of Vice President Ky regarding pending withdrawal of American forces from South Vietnam.

Specialist Maxwell, who is 21 years old and has had previous professional experience as a news reporter, is now cleaning M-16 rifles at network headquarters. This, because he complained of censorship of the news that he is permitted to broadcast to our Armed Forces. His superior officer ordered this honest, experienced reporter, Specialist Maxwell, relieved of his position and assigned to the labor of cleaning M-16 rifles.

Our GI's in Vietnam are entitled to hear the news without censorship from some officious Pentagon propagandist. Here is another example of Army brass dealing unjustly with an American enlisted man.

CALIFORNIA DISASTER RELIEF ACT OF 1969—CONFERENCE REPORT

Mr. BAYH. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6508) to provide assistance to the State of California for the reconstruction of areas damaged by recent storms, floods, and high waters. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of September 17, 1969, pp. H8006-H8008, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. BAYH. Mr. President, I ask unanimous consent that such legislative and staff assistants as may be needed be granted the privilege of the floor during the consideration of this conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. Mr. President, I am pleased to report that the conferees appointed to consider H.R. 6508, a bill to provide assistance for the State of California, have agreed upon the terms of a conference report which adjusts the differences in the bills previously adopted by the House and the Senate. On July 10, when the Senate passed H.R. 6508 in amended form, it substituted for the text of the bill the language of S. 1685. The latter is a bill the Senate had adopted on July 8 to provide additional disaster assistance for areas suffering a major disaster.

I might add that S. 1685 was a part of the results of a continuing 4-year study which the Senate, through its Committee on Public Works, has been conducting to try to find a way to make

the disaster relief laws of this country more equitable. It has been my good fortune to sit on more than one conference committee since I came to the Senate; but I can honestly say that I have never been a member of a conference which did more to resolve major differences between the two Houses, or whose efforts will have a more constructive impact upon the people of our country. The chairman of the Senate Committee on Public Works, the Senator from West Virginia (Mr. RANDOLPH), though not a member of the conference committee, was hovering in the background, actively helping the conferees resolve their differences. The Senator from Virginia (Mr. SPONG), whose State was flooded in the most recent Camille catastrophe; the Senators from Mississippi (Mr. EASTLAND and Mr. STENNIS), whose State was also greatly affected; the present Presiding Officer of the Senate (Mr. ALLEN) and his colleague from Alabama (Mr. SPARKMAN), were all extremely helpful in compiling data to be of assistance, not only to their States and their citizens, but also to those throughout the country who may be similarly affected. The ranking Republican member of our committee, the Senator from Kentucky (Mr. COOPER), who sat on the conference, as did the Senator from North Dakota (Mr. YOUNG) and others, were extremely helpful to the conference, and I should say to this body that when the final hour came for filing our decision, we had tremendous cooperation from the conferees for the House of Representatives, who put aside the differences they had with the original Senate bill, as we tried to do with our differences with their legislation, and we proceeded constructively.

The House bill was concerned solely with the California disaster of last winter. The Senate bill would have created a permanent general disaster relief program, such as we have been working on for 3 or 4 years. The conferees compromised these differences by placing a time limit on the applicability of the legislation and incorporating much of the Senate bill's overall approach to disaster relief. As agreed upon, the bill now would apply to any major disaster occurring during the period June 30, 1967 through December 31, 1970.

I should also point out that there was general agreement on the overall philosophy that we wanted not only a national bill, applicable to any part of the Nation that might be confronted with a disaster, but also that this should be a bill that had no terminal point; so that as soon as the Senate and the House of Representatives committees are able to do so, they can hold hearings, hopefully joint hearings. At that time it is hoped that the terminal date agreed upon can be removed, so the States will not have to come to the Senate and the House of Representatives after each disaster, but rather, when disaster strikes, there will be legislation already on the books to deal with it.

No funds are specifically authorized by this bill because there is no way of estimating what the cost might be. The final estimates from Hurricane Camille

are not in, and, since the bill will be in force for the next 16 months, we rely on the Appropriations Committees, Congress, and the President to assure that the necessary funds will be supplied as they are required.

As approved by the conferees, the bill contains 11 operative sections which would provide the following—and I might say I recognize the tediousness of enumerating some of these facts in a conference report, but because there were significant changes and significant reconciliations between differences that existed in the two bills, and because we are now, this afternoon, writing legislative history which may be looked to at some future time, which is not recorded anywhere else, I hope my fellow Senators will bear with me for this repetition:

First, 50-50 matching grants to States for the permanent repair and reconstruction of non-Federal streets, roads, and highways;

Second, readjustment of timber sale contracts and grants for removal of timber from private land;

Third, additional time for public land entrymen to comply with legal requirements;

Fourth, Federal loan adjustments;

Fifth, grants to States for disaster planning;

Sixth, appointment of Federal coordinating officers for major disaster areas;

Seventh, temporary shelter for disaster victims;

Eighth, food stamp program to be made available during and after disasters;

Ninth, assistance to individuals unemployed as a result of a major disaster;

Tenth, fire control on publicly or privately owned forest or grasslands; and

Eleventh, grants for removal of debris from private lands.

The first conference session was held on August 12, 1 day before Congress recessed for 3 weeks. Within a few days thereafter Hurricane Camille wreaked great loss of life and property upon the Gulf coast of Mississippi and other States, especially Virginia. Shortly after the Congress reconvened on September 3, S. 2853 and S. 2854, bills to provide special relief for the victims of this terrible catastrophe, were introduced by Senators EASTLAND, STENNIS, RANDOLPH, ALLEN, BYRD of Virginia, BYRD of West Virginia, ELLENDER, LONG, SPARKMAN, SPONG, and THURMOND.

Although these bills were not specifically before the conference for consideration, they further emphasized the need for additional legislation to aid the many communities and thousands of people who incurred losses in this major disaster.

Graphic portrayals of the destruction and suffering were provided by those Members and staff who visited the afflicted areas to see on the scene what had happened. In addition the conferees invited the representatives of several Government departments and agencies which are directly concerned with relief work to report on their activities in this most recent disaster.

I think it is fair to say that we really

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might be known someday as a "steel." My point, however, is this: Who is considering what effect a loss of nickel would mean?

I am convinced a role exists for Federal Government in establishing a coordinated materials policy. This is not a role of dictating usage of materials; we aren't going to tell anyone when they can use a material and when they can't. Rather, the Government can prove helpful, I believe, by providing inventories of world supplies of materials, assistance to the research into alternatives to materials that are in short supply or prove particularly damaging to the environment, and promotion of economic methods for re-cycling discarded products back into our economy.

We may achieve answers by creating bottles that dissolve when broken or cans that degrade, sharply curtailing the growth of our national garbage heap. We may be able to build cars for quick and profitable disposal, instead of tossing them onto a vacant lot to rust away.

The discovery of more efficient ways to produce materials that do not persist in the environment following use, might go far toward reducing the \$3.4 billion we as a nation spend yearly for garbage in our urban areas.

In addition, we must begin to look at the trash heaps of our nation as mines that are as potentially as valuable as the Comstock Lode. As just one example, a typical ton of municipal waste contains a third of the heat potential of a ton of coal, a fact that could prove very useful when we create high-temperature incinerators.

The materials problem must be faced from two ends: before the material leaves the ground and after it has completed its useful life.

This week, or early next week—following the period of mourning over the loss of Senator Dirksen, I hope to introduce an amendment to S. 2005, an amendment to create a Presidential Commission on Materials Policy. The two-year Commission would have broad authority to pursue these questions of how to coordinate materials policy toward a goal of environmental enhancement, and then report to the Congress with suggestions for action.

This amendment is the outgrowth of two very knowledgeable reports on materials policy I have had the good fortune to receive in the past couple of years. The first was a survey published by the Committee on Public Works in January, 1968. The second, which was far more detailed, was just recently published by the committee. It is entitled, *Toward A National Materials Policy*, and was prepared by a group of some of the nation's most prominent experts in the materials field. The report digs deeply into the subject, and comes to these conclusions: "We should insure an adequate supply of all types of materials needed in appropriate balance for our production requirements, both in peace and during national emergencies; we should husband our resources by efficient processing techniques and by the use of commonly available materials as alternates for materials that may become short in supply.

Future concerns will involve the ability of the materials and energy resource base to support national and world aspirations for economic growth, and the implications for the economy of periodic changes in the relative prices of various materials.

We need to develop new materials with novel properties to satisfy the more stringent demands of advanced technologies.

Finally, it is of the utmost importance that, from the initial stages of production of materials through their ultimate use and disposal, we conduct our operations and activities in such a way as to minimize pollution of air and water and to avoid des-

pollution of the environment, both physical and biological. By the way, I have brought a couple dozen copies of the report with me, and I would be delighted to share them with any of you, and I solicit any thoughts and observations you might have after you read the report.

Solid wastes have been a public problem long before the advent of our industrialized society. Near the coast of Maine, there is a huge pile of clam shells left beside the Damarscotta river by some long-ago tribe of Indians. These Indians, no better than we, had no place to dispose of their used shells, so they threw them onto a giant heap, that today has become a tourist attraction.

Today's wastes are not so picturesque. But they still can be the source of some humor, as that report I mentioned at the start of my talk indicates.

It was prepared by George Dutcher, director of the Public Works Department of New Castle County in Delaware, and it contains a page of cartoons. One carries this headline: "Collecting refuse will one day carry great prestige and affluence." The drawing shows a dejected son telling his father that he just flunked the Department of Sanitation test. "You know what that means, son," the Father reprimands the youngster. "Medical School."

The fact is that both are dealing with man's health and his survival as a civilized being. Man surrounded by piles of garbage is little better than man surrounded by an epidemic of plague. We defeated plague. I feel confident we can master our solid waste problems as well.

Thank you.

COMBAT INVOLVEMENT OF U.S. TROOPS IN LAOS AND THAILAND

Mr. JAVITS. Mr. President, I was not able to be present on the floor when my colleague, Senator Cooper, made his statement concerning the report of the combat involvement of U.S. forces in Laos, which was carried on the front page of the New York Times. I wish to make it unmistakably clear that I share the deep concern expressed by Senator Cooper. I wish to support with all the force at my command his call for a full explanation and investigation of the events behind this gravely portentous report.

As a cosponsor of the Cooper amendment—which seeks specifically to forbid this type of combat involvement of U.S. troops in Laos and Thailand—and as one Senator who has repeatedly voiced his concern over the danger of U.S. involvement in Vietnam-type wars in Laos and Thailand, I believe this matter requires the closest scrutiny of the Senate.

U.S. CIVIL RIGHTS COMMISSION STATEMENT ON PUBLIC SCHOOL DESEGREGATION

Mr. JAVITS. Mr. President, last Friday, in a timely and eloquent statement, the members of the U.S. Commission on Civil Rights urged a more active commitment to the goal of public school desegregation. Pointing out that the Commission had not commented on the revised guidelines announced on July 3, the members now characterize that change in policy as "a major retreat in the struggle to achieve meaningful school desegregation." Their conclusion

is based on a thorough and well-documented study of the status of school desegregation programs which was also released with the statement. The study shows a dismal picture of delay with permanent harm done to the thousands of children involved.

The statement also calls for Senate rejection of the Whitten amendments, designed to reinstate freedom of choice plans and thereby to impede meaningful desegregation. I agree with the Commission's position, and urge the support of my colleagues on the Appropriations Committee for striking the Whitten amendments.

I ask unanimous consent that the statement by the Civil Rights Commission, together with the additional statement of Vice Chairman-designate Horn be printed at this point in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

STATEMENT OF THE COMMISSIONERS ON FEDERAL ENFORCEMENT OF SCHOOL DESEGREGATION, U.S. COMMISSION ON CIVIL RIGHTS, SEPTEMBER 11, 1969

Two months ago, the Attorney General and the Secretary of Health, Education, and Welfare announced a number of changes in the manner in which their Departments would in the future enforce the laws requiring desegregation of elementary and secondary schools. The statement of the Attorney General and the Secretary of HEW affirmed a commitment "to the goal of finally ending racial discrimination in schools, steadily and speedily. . . ." Prior to this announcement, the Commission, in telegrams to the President, the Attorney General and the Secretary of Health, Education, and Welfare had urged that no action be taken to slow the pace of school desegregation.

The Commission withheld any public comment on the July 3 announcement until the staff of the Commission had had a chance to complete a thorough analysis and until the Department of Justice and the Department of Health, Education, and Welfare had had an opportunity to take action consistent with their statement.

"Since July 3, the House of Representatives has passed the Whitten Amendment, a measure that would restrict the Department of Health, Education, and Welfare's ability to enforce Title VI of the Civil Rights Act of 1964 by requiring it to accept freedom-of-choice plans for school desegregation and may well affect the acceptability of freedom-of-choice plans in the courts as well. The amendment was not opposed by the Administration in the House."

Also since that time, court orders have been entered and desegregation plans accepted which in our opinion postpone meaningful desegregation from 1969 to 1970, and the Secretary of HEW and the Department of Justice have taken the unprecedented step of requesting the courts to postpone effective school desegregation in Mississippi from this school year to 1970 and have also accepted delays in South Carolina and Alabama. To be sure, administrative actions were taken by HEW during the past several years and again this year to postpone school desegregation in various districts. These were made under the standards of the Guidelines and only under most exceptional circumstances. But it should be emphasized that what we are concerned with here is the Government's going into court at its own initiative and asking affirmatively for a postponement.

At the time the procedures were announced, the Attorney General is reported to have said that he preferred that the Nation watch what he *did* rather than focus on

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what he said. It is with this in mind that we find ourselves especially disheartened by the recent actions of HEW and of the Department of Justice in the cases in Mississippi, South Carolina, and Alabama. For the first time since the Supreme Court ordered schools desegregated, the Federal Government has requested in court a slow-down in the pace of desegregation. This request is particularly difficult to understand since as recently as July 3 the Secretary of HEW and the Attorney General announced that delays in desegregation beyond September 1969 would be granted only where a school district sustained "the heavy factual burden of proving that compliance with the 1969-70 time schedule cannot be achieved. . . ."

In Mississippi, however, the Secretary of HEW and the Attorney General urged delay on their own initiative. In South Carolina and in Alabama, the Government took other action to delay desegregation. Certainly those who have placed their faith in the processes of law cannot be encouraged.

We acknowledge that the Department of Justice, in some areas, has sought court orders compelling desegregation this Fall. Eight such suits have been filed in Georgia. But each of these suits was necessitated when the school district reneged on a promise already made to HEW. One can only speculate on whether the July 3 statement and the Government's action in Mississippi encouraged this reneging.

But the problems caused by these new procedures and recent actions, however, are likely to be dwarfed by the probable effects of the Whitten Amendment, if passed by the Senate and approved by the President.

Our analysis of the new procedures and recent actions has now been completed, and a copy is attached to this Statement. Based upon it, we make the following findings:

1. The new procedures and recent actions involving Federal efforts to bring about school desegregation appear to be a major retreat in the struggle to achieve meaningful school desegregation. See pp. 31 to 56 of the Report.

2. The statistics purporting to show the present extent of school desegregation which were contained in the July 3 joint statement of the Attorney General and of the Secretary of the Department of Health, Education, and Welfare give an overly optimistic, misleading and inaccurate picture of the scope of desegregation actually achieved. In fact, in a number of Southern States, relatively little desegregation of elementary and secondary schools has been accomplished in the last 15 years. See pp. 8 to 12, 35 and 36 of the Report.

3. One of the major fallacies in the claim of substantial desegregation is that many districts have violated the terms of the assurances they have signed, or of the court orders that have been entered against them. Adequate personnel is necessary to police compliance. Congress has ordered HEW to treat the North and the South equally in its enforcement efforts. As a result of this Congressional directive, the Department of Health, Education, and Welfare has recently reduced the number of its personnel working for desegregation of elementary and secondary schools in the Southern and Border States, and has increased the number of its personnel working on such problems in the North and West. In the past, we have found that its staff was inadequate to police the compliance of school districts in the South, and the reduction in personnel can be expected to further restrict its compliance efforts in that region. Although HEW has requested 75 additional employees from Congress, it is unlikely that these additional personnel will be sufficient to remedy this problem. See pp. 9 to 13, 30, and 47 to 51 of the Report.

4. Court orders to desegregate have not generally been as effective a means of desegregating elementary and secondary

schools as administrative proceedings backed by the threat of a fund cutoff. One reason is that a number of Federal judges in the South have been unsympathetic to the necessity of eliminating racial segregation in elementary and secondary schools. As a result, they have been insensitive to the requirements of the appellate courts which Congress has set over them, and have by their direct actions and tolerance of the actions of others significantly retarded the pace of school desegregation in the cases before their courts. In addition, it is more difficult, under current law, to enforce a school board's compliance with a court order than it is to enforce, by the threat of withholding Federal funds, a school board's compliance with an HEW-approved voluntary plan. See pp. 31 to 46 of the Report.

Accordingly, emphasis upon court orders rather than administrative proceedings as the vehicle of Federal efforts to desegregate schools can be expected to slow the pace of school desegregation. The situation is further aggravated by the limited Department of Justice personnel available to bring lawsuits as well as the laudable newly announced policy of extending desegregation efforts from the South into the North and West. See pp. 47 to 51 of the Report.

5. Although use of the threat of withholding Federal funds has proved to be the most effective means of enforcing school desegregation, the actual termination of funds, when not followed by Department of Justice litigation to enforce immediate desegregation, reportedly results in disproportionate harm to black students and their teachers. We recommend that the Department of Justice promptly bring lawsuits to require immediate desegregation as soon as a district's Federal funds have been finally terminated. We also recommend that Title IV of the Civil Rights Act of 1964 be amended to permit the Department of Justice to initiate school desegregation suits without the necessity of receiving a specific complaint—as is now the requirement. See pp. 31 to 33 of the Report.

6. Since passage of the Civil Rights Act of 1964, Congress has given inadequate support to HEW's attempts to enforce school desegregation—appropriations have been limited and some unnecessary restrictions placed on HEW's operating procedures. In part, the inadequacy of HEW's enforcement efforts in the past five years stems from the inadequacy of this support. HEW's request for additional personnel is now pending before the Senate and we urge its approval.

7. Passage of the Whitten Amendment, which would require the acceptance of freedom-of-choice plans, would slow or halt the progress of school desegregation. We believe that there is a serious chance that its passage would reverse some of the limited gains already made. See pp. 25 and 26 of the Report.

8. As we had previously found in our 1967 report, Southern School Desegregation: 1966-67, freedom-of-choice, since it places the full burden of desegregation upon the shoulders of black parents and their children—those who are politically, economically, and socially least able to bear it—is not an effective means of desegregating elementary schools in the Southern and Border States. See pp. 14 to 26 of the Report.

Because freedom-of-choice requires affirmative action by black parents before their children can attend an integrated school, its use, as a practical matter, has encouraged local white citizens to engage in campaigns of intimidation and economic retaliation against black parents willing to take such action. Similarly, white students and teachers frequently harass and punish the black children whose parents have chosen to send them to the formerly white-attended school. Consequently, many black parents are literally afraid to send their children to formerly white-attended schools; as to them, the "freedom" to choose the school their chil-

dren will attend is illusory. See pp. 20 to 23 of the Report.

Fifteen years have passed since the Supreme Court decided that the right of black children to attend the same schools attended by other children was guaranteed by the Constitution. Five years have passed since Congress, in the Civil Rights Act of 1964, also declared that segregation violated the law of the land. But segregation is more than just simply a violation of the law. In 1967, we issued a Report, *Racial Isolation in the Public Schools*, which concluded that racial isolation, whether caused by *de jure* segregation, discriminatory housing patterns, or other factors, resulted in serious educational harm to the children of minority groups. Conversely, integration significantly boosted the educational achievement of these children. If this Nation truly respected the rule of law, if it truly cherished each of its children, the last vestiges of segregated education would have disappeared years ago. Instead, segregation continues as the pattern, and not the exception, of education in many States.

At this point, we can do no more than echo the words written recently by Justice Black: ". . . [T]here are many places still in this country where the schools are either 'white' or 'Negro' and not just schools for all children as the Constitution requires. In my opinion there is no reason why such a wholesale deprivation of constitutional rights should be tolerated another minute."

Similarly, we agree with Federal Judge Hoffman that: "For an American who is devoted to his country and wants to believe in the intelligence and good-will of its citizens it is very painful to contemplate and difficult to understand continued resistance to school desegregation."

While progress has been slow, the motion has been forward and this is certainly no time to create the impression that we are turning back but a time for pressing forward with vigor. This is certainly no time for giving aid and comfort, even unintentionally, to the laggards while penalizing those who have made commendable efforts to follow the law, even while disagreeing with it. If anything, this is the time to say that time is running out on us as a Nation. In a word, what we need most at this juncture of our history is a great positive statement regarding this central and crucial national problem where once and for all our actions clearly would match the promises of our Constitution and Bill of Rights.

Thus, we are deeply concerned over the directions recently being taken in Federal efforts to desegregate elementary and secondary schools. We are committed to the purpose for which this Commission was created: to act as an objective, bipartisan factfinding agency and to continually apprise the President and the Congress of the facts as we see them. We speak out now since we believe our Government must follow the moral and legal principles and promises on which our Constitution and laws are based and meet the high expectations to which the people of this country have addressed themselves.

REV. THEODORE M. HESBURGH, C.S.C.,
Chairman.

STEPHEN HORN,
Vice-Chairman-designate.

FRANKIE M. FREEMAN,
HECTOR P. GARCIA, M.D.,
MAURICE B. MITCHELL,
ROBERT S. RANKIN,
HOWARD A. GLICKSTEIN.

Staff Director-designate.

ADDITIONAL STATEMENT BY VICE-CHAIRMAN-
DESIGNATE HORN

Civil rights is a national problem. Progress and blame can be shared by those in all three branches of our Government under several administrations and by people in all parts of our country.

not have the economic resources to afford any such compensation program.

Only within a restored, prolonged, assured balance of peace and balance of economic survival can the current situation gradually settle down so that Arabs may come to a more realistic assessment. Only then can Arabs within cease fire lines take advantage of the economic possibilities of cooperation with Israel. Only when it is clear that the arms supplied by Soviets to Egypt, and other distant countries, cannot reverse the present balance of peace, will the Arabs closer to the scene—Jordan and Lebanon with their moderate governments, the Palestinians inside and outside the cease fire line with their interest in rejoining families—come to the fore. Only then can we expect a step-by-step enlargement of the pragmatic cooperation that miraculously goes on even now, as illustrated by the thriving trade between West Bank and Israel, as well as West Bank and Jordan, and the Palestinian students returning for summer vacations under Israeli occupation with their families.

The folly and callous irresponsibility of Nasser policy may some day become fully apparent to Arab audiences. It is a policy that has preached war for 17 years and led to defeat twice. It is a policy that concentrates such massive efforts on armaments that they dwarf the expenditures on the Aswan dam. It is a policy that holds no realistic hope for anything but senseless Arab and Israeli suffering in the years ahead. The alternative is a policy of mutual respect and cooperation. Even with small beginnings of de facto accommodation, it could produce a gradual increase of understanding between two long divided Semitic border peoples each proud of their ancient religion and literature, each with an economic challenge of a better future in a desert that human skill and dedication can convert into a garden of growth for Arab and Jew alike.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House has passed the bill (S. 757) for the relief of Yvonne Davis, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 1695. An act for the relief of Alfredo Caprara;

H.R. 2260. An act to confer jurisdiction on the U.S. District Court for the Western District of Wisconsin to hear, determine, and render judgment on the claim of Emma Zimmerli against the United States;

H.R. 2407. An act for the relief of Elbert C. Moore;

H.R. 2458. An act for the relief of Frank J. Enright;

H.R. 4634. An act for the relief of Lawrence Brink and Violet Nitschke;

H.R. 8694. An act for the relief of Capt. John T. Lawlor (retired);

H.R. 9477. An act to provide for the disposition of judgment funds of the Confederated Tribes of the Umatilla Indian Reservation;

H.R. 9910. An act for the relief of Hannibal B. Taylor;

H.R. 10356. An act for the relief of Mrs. Iris O. Hicks;

H.R. 11060. An act for the relief of Victor L. Ashley;

H.R. 11503. An act for the relief of Wylo Pleasant doing business as Pleasant Western

Lumber Co. (now known as Pleasant's Logging & Milling, Inc.); and

H.R. 11890. An act for the relief of T. Sgt. Peter Elias Gianutsos, U.S. Air Force (retired).

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the Vice President:

S. 83. An act for the relief of certain civilian employees and former civilian employees of the Bureau of Reclamation;

S. 85. An act for the relief of Dr. Jagir Singh Randhawa;

S. 348. An act for the relief of Cheng-hual Li;

H.R. 4658. An act for the relief of Bernard L. Coulter;

S.J. Res. 149. Joint resolution to extend for 3 months the authority to limit the rates of interest or dividends payable on time and savings deposits and accounts;

H.J. Res. 250. Joint resolution authorizing the President of the United States of America to proclaim September 17, 1969, General von Steuben Memorial Day for the observance and commemoration of the birth of Gen. Friedrich Wilhelm von Steuben; and

H.J. Res. 775. Joint resolution to authorize the President to award, in the name of Congress, Congressional Space Medals of Honor to those astronauts whose particular efforts and contributions to the welfare of the Nation and of mankind have been exceptionally meritorious.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 1695. An act for the relief of Alfredo Caprara;

H.R. 2260. An act to confer jurisdiction on the U.S. District Court for the Western District of Wisconsin to hear, determine, and render judgment on the claim of Emma Zimmerli against the United States;

H.R. 2407. An act for the relief of Elbert C. Moore;

H.R. 2458. An act for the relief of Frank J. Enright;

H.R. 4634. An act for the relief of Lawrence Brink and Violet Nitschke;

H.R. 8694. An act for the relief of Capt. John T. Lawlor (retired);

H.R. 9910. An act for the relief of Hannibal B. Taylor;

H.R. 10356. An act for the relief of Mrs. Iris O. Hicks;

H.R. 11060. An act for the relief of Victor L. Ashley;

H.R. 11503. An act for the relief of Wylo Pleasant doing business as Pleasant Western Lumber Co. (now known as Pleasant's Logging & Milling, Inc.); and

H.R. 11890. An act for the relief of T. Sgt. Peter Elias Gianutsos, U.S. Air Force (retired); to the Committee on the Judiciary.

H.R. 9477. An act to provide for the disposition of judgment funds of the Confederated Tribes of the Umatilla Indian Reservation; to the Committee on Interior and Insular Affairs.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1970 FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND FOR THE CONSTRUCTION OF MISSILE TEST FACILITIES AT KWAJALEIN MISSILE RANGE, AND RESERVE COMPONENT STRENGTH

Mr. STENNIS. Mr. President, I ask unanimous consent that the Chair lay the unfinished business before the Senate notwithstanding the hour.

The PRESIDING OFFICER. The clerk will report.

The LEGISLATIVE CLERK. A bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Mississippi?

There being no objection, the Senate resumed the consideration of the bill.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 165 of the Senator from Kentucky (Mr. COOPER).

Mr. STENNIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COOPER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. COOPER. Mr. President, I have consulted with the majority and minority leaders, and after consultation I make this motion.

I move that the Senate stand in recess, subject to the call of the Chair.

The PRESIDING OFFICER. Without objection, it is so ordered.

(At 1 o'clock and 20 minutes p.m., the Senate took a recess, subject to the call of the Chair.)

At 1 o'clock and 56 minutes p.m., the Senate reassembled, when called to order by the Presiding Officer (Mr. CANNON in the chair).

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. COOPER. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is amendment No. 165 offered by the Senator from Kentucky.

Mr. COOPER. Mr. President, on August 12, I offered in the Senate an amendment to clause (2) of section 401, title IV of S. 2546. After some debate, I withdrew the amendment, as it had not been printed, and as several Members of the Senate expressed a desire to have more time for its consideration and some wished to join as cosponsors. The record of the debate may be found on pages

9776-9783 of the CONGRESSIONAL RECORD, August 12, 1969. I gave notice that I would introduce again the amendment when the Senate convened after recess.

The amendment I offered on August 12 was directed to clause (2) of section 401. Its purpose was to prohibit the use of the Armed Forces of the United States in combat in support of local forces in Laos and Thailand.

Title IV—General Provisions of S. 2546, as reported by the Senate Committee on Armed Services, reads as follows:

TITLE IV—GENERAL PROVISIONS

SEC. 401. Subsection (a) of section 401 of Public Law 89-367 approved March 15, 1966 (80 Stat. 37), as amended, is hereby amended to read as follows:

"Funds authorized for appropriation for the use of the Armed Forces of the United States under this or any other Act are authorized to be made available for their stated purposes to support: (1) Vietnamese and other free world forces in Vietnam, (2) local forces in Laos and Thailand; and for related costs, during the fiscal year 1970 on such terms and conditions as the Secretary of Defense may determine."

On August 12, section 401 was modified by amendments offered by the Senator from Arkansas (Mr. FULBRIGHT) which were agreed to by the Senator from Mississippi (Mr. STENNIS), the manager of the pending bill, and the Senate. Its present text is as follows:

Not to exceed \$2,500,000,000 of the funds authorized for appropriation for the use of the Armed Forces of the United States under this or any other Act are authorized to be made available for their stated purposes to support: (1) Vietnamese and other free world forces in Vietnam, (2) local forces in Laos and Thailand; and for related costs, during the fiscal year 1970 on such terms and conditions under Presidential regulations as the President may determine.

The Senate will note that the present language of section 401 provide that—

Funds authorized for the use of the Armed Forces of the United States under this or any other act are authorized to be made available for their stated purposes to support: (1) Vietnamese and other free world forces in Vietnam, (2) local forces in Laos and Thailand, and for related costs.

The words "to support" are of operative importance. They apply and are directed equally to Vietnam, where the United States is engaged in war, and to Laos and Thailand, where we are not informed that we are engaged in war. Section 401 makes no distinction as to the kinds of support which are authorized to the forces in Vietnam and to the local forces in Laos and Thailand.

The United States is at war in Vietnam. The United States provides equipment, material and supplies, training—billions of dollars—everything necessary for the conduct of war to support South Vietnam, its forces, and other allied forces in South Vietnam. But the United States has provided far greater support. It has sent over 500,000 of its men and many women to fight, to suffer wounds and injury, and to die.

The language of section 401, as modified, speaks for itself. Its literal meaning is clear, and the language itself is the first and decisive source to provide interpretation of the legislative intent of sec-

tion 401. Under this test, section 401 can be interpreted to direct that the kinds of support provided to: First, Vietnamese and other free world forces in Vietnam can be provided to local forces in Laos and Thailand.

The amendment which I offer reads as follows:

On page 5, line 14, strike out "to support: (1)" and insert in lieu thereof "(1) to support".

On page 5, line 15, strike out "(2) local forces in Laos and Thailand; and", and insert in lieu thereof "(2) to support local forces in Laos and Thailand, but support to such local forces shall be limited to the providing of supplies, materiel, equipment, and facilities, including maintenance thereof, and to the providing of training for such local forces, and (3)".

The amendment would provide and make a distinction between the kinds of support that the United States shall give to South Vietnam and the kind of support we would make available in Laos and Thailand.

If the amendment is adopted, section 401 will read as follows:

TITLE IV—GENERAL PROVISIONS

SEC. 401. Subsection (a) of section 401 of Public Law 89-367 approved March 15, 1966 (80 Stat. 37), as amended, is hereby amended to read as follows:

"Not to exceed \$2,500,000,000 of the funds authorized for appropriation for the use of the Armed Forces of the United States under this or any other Act are authorized to be made available for their stated purposes: (1) to support Vietnamese and other free world forces in Vietnam, (2) to support local forces in Laos and Thailand, but support to such local forces shall be limited to the providing of supplies, materiel, equipment, and facilities including maintenance thereof, and to the providing of training for such local forces, and (3) for related costs, during the fiscal year 1970 on such terms and conditions under presidential regulations as the President may determine."

I desire to make the purpose and the interpretation of the amendment specific and clear. It draws a distinction between the use of funds authorized to support Vietnam and other free world forces in Vietnam and funds authorized to support local forces in Laos and Thailand. It would limit strictly U.S. support of local forces in Laos and Thailand to the types of aid designated by the amendment and for related costs.

The amendment is intended to declare that funds authorized under this or any other act shall not be used to engage or commit the Armed Forces of the United States in combat, hostility, or war in support of local forces in Laos or Thailand. It is intended to prohibit specifically such use of funds authorized. Congress has this constitutional authority under article I, section 8 of the Constitution. It is perhaps the only clear authority which Congress has to deal with such a situation.

It is estimated that 45,000 of our Armed Forces are stationed in Thailand. I do not know that our forces are now engaged in combat in Laos or Thailand in support of local forces. I hear from various sources that some are engaged in combat in Laos and Thailand against insurgents, but I must say I have no personal knowledge, that it is correct. As

I recall from hearings I have attended, both in the Committee on Foreign Relations and the Committee on Armed Services, I have not heard any official of this country say that we are engaged in hostilities in Laos or Thailand. If they are so engaged, the amendment is intended to deny their continued use in combat in support of local forces in those countries.

In bluntest terms, the amendment is offered with the purpose of preventing, if possible, the United States from moving step by step into war in Laos or Thailand, as it did in Vietnam.

During the course of the debate on August 12, objections were raised to the amendment, and since that time questions have been directed to me concerning its full meaning.

The distinguished Senator from Texas (Mr. Tower) suggested that the amendment would prohibit U.S. forces in Thailand from engaging in combat for their self-defense or the defense of U.S. air bases or other U.S. facilities. I assume the same argument would be directed to U.S. forces in Laos. This argument is patently incorrect, on its face. Of course the U.S. forces, wherever they are, can defend themselves as a matter of right, as a matter of commonsense, and as a matter of international law; and, constitutionally, the President, as Commander in Chief, has the authority to take whatever measures are necessary to assure the defense of U.S. forces.

I am sorry the Senator from Texas is not in the Chamber at this time. I wish to emphasize again that this amendment in no way would prevent our forces, wherever they are, from defending themselves.

I have been asked if my amendment would prohibit the use of U.S. Armed Forces stationed in Thailand from continuing combat support of U.S. forces in Vietnam and other free world forces in Vietnam, such as bombing operations which originate in Thailand and are directed against enemy forces in Vietnam, and in Laos along the Ho Chi Minh trail. My answer is that the amendment would not prohibit such combat activities of U.S. forces. Whatever one's views may be about Vietnam, we are at war in Vietnam. The Commander in Chief, the President, has control of that situation, as a constitutional matter, and if in fact operations originating in Thailand were used to assist our Armed Forces and other forces fighting in Vietnam, my amendment would not prevent such operation, clause (1) of section 401, would not be affected by the amendment I offer. But with respect to clause (2), it must be clear that the amendment is intended to prohibit absolutely the engagement of U.S. Armed Forces in combat, in support of Laos or Thailand local forces, fighting in Laos and Thailand.

The distinguished Senator from Arizona, Senator GOLDWATER, in a very valuable contribution to the debate, asked if the amendment I offer would prohibit U.S. forces in the installation of radar and other facilities to assist local forces in Laos and Thailand. My answer is "No." The amendment is intended to prohibit the use of our Armed Forces in combat

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in support of local forces in Laos and Thailand. But I make this point. The stationing of large U.S. forces in Thailand—estimated at 45,000 and their use in many types of military activity, logistic and otherwise—even though short of actual combat, increase the possibility of the United States becoming involved in a local war without the authority of the Congress. Our troops in Thailand and in Laos should be withdrawn as early as possible.

It was said in the debate on August 12 that there is no intention to use our Armed Forces in Laos or Thailand in combat in support of their local forces. There is no reason, then, why it should not be spelled out in section 401, as I propose.

The distinguished Senator from Mississippi (Mr. STENNIS) said that it would be a monstrous act for the Executive to use the language of section 401 as authority to engage our forces in war either in Laos or Thailand. I am sure that it is the purpose of the President of the United States that the United States shall not become engaged in war in Laos or Thailand. He has outlined his policy for Southeast Asia—that the countries of the area must assume greater responsibility for their defense. He has said “no more Vietnams.” I would think it would be helpful to the President, and his administration, if Congress would make this policy clear to give him support on the policy he has announced.

Just a short time ago, on June 25, the Senate adopted by a vote of 70 to 16 the national commitments resolution, a resolution which Senator FULBRIGHT and I had prepared as a substitute for his original resolution. I shall read the resolution.

Whereas accurate definitions of the term “national commitment” in recent years has become obscured: Now, therefore, be it

Resolved, That (1) a national commitment for the purpose of this resolution means the use of the armed forces of the United States on foreign territory, or a promise to assist a foreign country, government, or people by the use of the armed forces or financial resources of the United States, either immediately or upon the happening of certain events, and (2) it is the sense of the Senate that a national commitment by the United States results only from affirmative action taken by the Executive and legislative branches of the United States Government by means of a treaty, statute, or concurrent resolution of both Houses of Congress specifically providing for such commitment.

While it had no constitutional effect, it expressed the sense of the Congress that constitutionally the Armed Forces of the United States should not be used abroad, or their use promised, in support of the forces of other countries, except by the joint authority of the President and the Congress.

It may be argued, and I have read some articles to that effect, that the United States is bound by the terms of the SEATO Treaty to engage in the defense of Laos and Thailand. If this argument suggests that the United States is bound to engage in combat activities in either of these states in their support, I answer by saying that the terms of the treaty do not so provide. Article IV of the treaty,

which deals with aggression by means of armed attack against a party or “in any way other than by an armed attack,” requires a determination by each party as to the action that it will take “in accordance with its constitutional processes.” These words “constitutional processes” are controlling, so we must ask what does the term “constitutional processes” mean?

In accord with our national commitments resolution—and in accord with the testimony of the late Secretary of State John Foster Dulles, given at the time the SEATO Treaty was being considered—except in case of emergency or immediate attack—I insist that in situations such as exist in Laos and Thailand where we are not at war, as far as any constitutional determination by the Executive or the Congress is concerned, “constitutional processes” means the joint action of the Executive and the Congress. If we are not to be committed in many places throughout the world to engagement in armed conflict, which can lead to war as it has in Vietnam, the Congress must assert its authority.

The war in Vietnam is a fact. We cannot affect it constitutionally except by cutting off appropriations for its support or repealing the Gulf of Tonkin Resolution. I do not believe the Congress is ready to do so when the young men of our country are fighting loyally and bravely. But, surely we do not want to move, or rather back into, war in Thailand or Laos step by step as occurred in Vietnam. We have the constitutional power now to forbid the use of funds under this bill or any other act for the engagement of the Armed Forces of the United States in combat, in hostilities, in armed conflict, in war, in support of local forces in Thailand and Laos.

Mr. President, I do not degrade the efforts of the people of Laos or Thailand to maintain the type of government they want in their countries, but I do say that no President of the United States, nor the Secretary of Defense, nor military commanders have the right to send this country into war, another war, except in those cases where the constitutional authority is clear. I am sure that President Nixon wants no new war but the Senate and the Congress must discharge its responsibilities.

It may be said that I am giving too great importance to the language of section 401. I do not think so. It is the first test of the attitude of the Senate toward the national commitments resolution approved this year almost unanimously. In a larger sense, it is the duty of the Congress, which represents the people, to prevent the engagement of the United States in war unless it is essential to the security of the United States.

Mr. STENNIS and Mr. PEARSON addressed the Chair.

Mr. COOPER. I yield to the Senator from Mississippi first.

Mr. STENNIS. Mr. President, I appreciate the Senator from Kentucky yielding to me.

Mr. President, may we have order? May we have the attention of all Senators, Mr. President?

The PRESIDING OFFICER (Mr. CRANSTON in the chair). The Senate will be in order.

Mr. STENNIS. Mr. President, I believe it is important that Senators understand the issue that I think is being presented by this amendment; and it is technical, in a way, Mr. President. I ask the attention and indulgence of Senators.

First, I wish to commend the Senator from Kentucky very highly for the work he has done on this matter, which also represents my sentiments and my position. So I do not have any conflict with him on that at all.

I do believe, though, that, because of the nature and history of this section of the bill, that the Senator's amendment would not affect our support of our troops. With the knowledge I have about this matter, I am inclined to agree to the amendment as it is now worded, but let me make an explanation first.

I direct the attention of Senators to title IV of the bill and remind them that this is the old foreign military aid. In the old days it came out of the Foreign Relations Committee and was handled by them in the form of a broad authorization bill. The Foreign Relations Committee still handles the regular foreign-aid bill. But this item here got into the bill just a few years ago as a special foreign assistance that goes to the Southeast Asian countries.

Frankly, I think and I hope that next year, if it is still in the Armed Services Committee, and it can well be there, that it can be handled as a separate bill where the issues will be clearer, with hearings held on it, and then it can come to the Senate for debate on its own merits.

But now it is stuck in here as a brief section of the authorization bill. It relates to the \$2.5 billion, but only about \$150 million of that \$2.5 billion is really for items found in the bill now before the Senate. It authorizes that much hardware for these purposes. In the other part of the \$2.5 billion, that will come through the regular DOD appropriation bill—items that do not require any authorization except the authorization we find in the appropriations bill itself. It authorizes the program and authorizes the expenditures of the money at the same time.

Thus, we keep those two items in mind. Then, also, this program which originated in 1950-51, in all the years of history and even down to this minute, the money that goes to support our troops, wherever they are throughout the world, comes from the regular authorization bill for our troops. They have never been paid or supplied out of this special military aid bill that goes to the various foreign countries. I do not think that relationship is disturbed one bit.

At the expense of repetition, it has always been true, through all these years down to now, including last year, that the language was as it was when we brought the bill in here. Foreign aid for local troops has always been kept separate, and our military forces, wherever they are, are paid altogether from another fund.

The reason I say that I am willing to take the amendment as written now is that I do not believe the language disturbs that situation about our troops in whatever country they are found.

Now let us get right down to the language. As the amendment reads now with the present Cooper amendment written into it, it states "not to exceed \$2.5 billion."

Funds authorized for appropriation for the use of the Armed Forces of the United States—

The reason that is termed there is that they will take this money, except for \$180 million, out of the money bill that goes to support our troops, but it leaves our troops supported by that fund just the same.

For the use of the Armed Forces of the United States under this or any other act—

"This act" means exactly what it says in the bill we are debating. "Any other act" means the appropriation bill. There are a lot of items in that appropriation bill that do not have to be expressly authorized except by the terms of the bill. So those words there "or any other act" refer to our regular appropriation bill and the language is:

Authorized to be made available for their stated purposes, to support one, Vietnamese and other free world forces in Vietnam—

That is in Vietnam—

Support Vietnamese and other free world forces—

I suppose that means the Philippines, Korea, and Vietnam.

Two, local forces in Laos and Thailand, but support to such local forces shall be limited to the providing of supplies, materiel, equipment, and facilities, including maintenance thereof, and to the providing of training for such local forces. Three, for related costs—

That is what it means—items directly related there.

during the fiscal year 1970 on such terms and conditions . . .

That is under Presidential regulation as the President may determine.

Now it is inescapable to me that that leaves the funds applicable strictly to those local forces, that anything that goes to U.S. forces in those countries, or anywhere else around the world, are paid out of regular appropriations for those purposes.

I just add this: The Senator from Kentucky is a very good man with language and he can write well. I have had some experience in drafting legislation, but there is just a basic difference here as to our conclusions. I believe that this language was debated a day or a week and I would have this conclusion. Perhaps I would have what he has now. The Senate would be divided on it. I would like to see the language taken to conference, with the understanding that we would have the language experts and those familiar with the history of the legislation to really grind it down and come up with a memorandum as to just what it may or may not mean.

So I am glad to submit that to the distinguished Senator from Kentucky.

Mr. COOPER. I think the Senator

would agree that section 401 applies to the kinds of support that can be provided the two categories of countries designated in clauses (1) and (2); is that not correct?

Mr. STENNIS. I beg the Senator's pardon?

Mr. COOPER. Section 401. Its purpose is to provide means whereby, one, forces fighting in Vietnam can be aided and, two, local forces in Laos and Thailand.

Mr. STENNIS. That is correct.

Mr. COOPER. That is the purpose.

Mr. STENNIS. That is correct.

Mr. COOPER. That is the purpose of section 401. On August 12 when the Senator from Arkansas (Mr. FULBRIGHT) offered an amendment to limit, funds authorized for the two purposes, to \$3 billion, the Senator from Mississippi modified the Fulbright amendment by providing \$2.5 billion.

Is the \$2.5 billion available to support the forces in Vietnam, and local forces in Laos and Thailand?

Mr. STENNIS. It will be available if appropriated.

Mr. COOPER. If appropriated is correct.

Mr. STENNIS. Yes, just for the purposes outlined here.

Mr. COOPER. How would the Senator define the purposes outlined here? In other words, what will the conferees be talking about in conference? I shall not be there, as I am not a member of the Armed Forces Committee.

Mr. STENNIS. To support the local forces in Vietnam, Thailand, and Laos.

Mr. COOPER. Yes, the section is designed to provide support to those countries. Clause (1) says nothing about the kinds of support provided to Vietnam. The language of section 401 would make available to Laos and Thailand the same kinds of support that are being provided in Vietnam. Is that not correct, from the language?

Mr. STENNIS. Yes, just looking at the language. It is a part of the cost of the war, but the war as a whole is costing us \$29 billion a year, which I think includes the cost of the support of their local forces.

Mr. COOPER. Section 401, as reported from the Armed Services Committee, speaks of funds authorized by this or any other act.

Mr. STENNIS. Yes.

Mr. COOPER. I have drawn my amendment to provide that funds under this or any other act which may be made available for Laos and Thailand must be restricted to the kinds of aid I have designated.

Mr. STENNIS. The limitation put into effect by this amendment would apply to this bill. "Any other act," as the Senator said, would be the appropriation bill, but it would be subject to this very language here—to be available for the stated purposes, and these are the stated purposes as drawn here now.

Mr. COOPER. On August 12 I spoke at some length. I provided the Senator with a copy of the amendment. The Senator understands that what I am trying to do is to prohibit the use of our Armed Forces fighting in support of Laos and Thailand. Of course, we know that in

Laos government forces and the Pathet Lao have been fighting. The Pathet Lao may be assisted by North Vietnam or China, but is an example of local forces fighting in Laos.

We know that insurgent forces have been harassing government forces in the northern part of Thailand for some time, and the local forces in Thailand are trying to defend against and defeat them.

My amendment is designed to prohibit the use of our Armed Forces in combat support of local forces in Laos or Thailand, and to keep them out of situations in which they might become engaged in combat which could lead into war in Thailand or Laos, as it did in Vietnam.

The language means our forces cannot be used in combat in support of local forces, unless an emergency arose where the President's constitutional authority would come into play, except by the joint authority of the executive and Congress? If the Senator agrees that we are not in difficulty on the language—what is the problem? Are we fighting in Laos and Thailand?

Mr. STENNIS. Let me answer the Senator "Yes" and "No." In my mind, I am certain the Senator's language would not prohibit the United States, if it saw fit, to otherwise permit U.S. troops to fight in Laos and Thailand, because this act does not relate to it. If they fought with the Thais, they would be paid for and supplied out of our regular appropriation bill. U.S. soldiers anywhere are supported through these other channels.

Mr. COOPER. I ask the Senator if he opposes the proposal I am making in so far as this bill is concerned. Would he oppose my proposal that our forces should not be fighting in support of local forces?

Mr. STENNIS. Let me answer that in two prongs. The first is that the Senator's language just does not go to the point of cutting off funds for the soldiers of the United States of America. Second, I frankly think that, if we are going to pass an act that involves such a marked policy and a limitation on the President—I think we have the authority to do it, but if we are going to do it—it ought to have the careful study of the appropriate committees, the Foreign Relations Committee for one, and hearings in which the executive branch of the Government would be entitled to be heard and all sides considered. On the military aspects of it and the money for it, if the Senator wanted a recommendation out of the Armed Services Committee, that would be applicable. But when such policymaking is involved, I think we ought to consider the recommendations, have a bill, debate it here, and then make a decision. I shrink from its just coming out of the floor here with such a far-reaching policy in the form of an amendment to this bill, in spite of the ability of the Senator and his great dedication and experience.

Mr. COOPER. It has not come out of the floor. This subject has been debated.

Mr. STENNIS. It came up on the floor, then.

Mr. COOPER. Yes. It has been debated.

whenever treaties, executed and developed by the executive branch, have come to the Congress.

When the Korean treaty came before the Congress, I remember the valuable and proper questions the Senator raised. The Senator and I asked, in 1954, what the words "constitutional processes" meant. The Senator expressed the same opinion as I, that, except in case of an emergency, "constitutional processes" means that the executive shall come to the Congress for authority. My amendment does not affect that emergency powers of the President. If the troops are in another country and the President of the United States believes a situation has arisen which demands their defense, of course he has the constitutional power to provide for their defense. If our soldiers defend themselves, they are within international law. It is the right of self-defense.

I do not know that we will engage in a war in Laos and Thailand, but while there is the possibility that we might become engaged, and before we become engaged should we not take steps to reduce that possibility by declaring that only through the constitutional process of joint authority, shall John Jones in Company A of the 10th Infantry Regiment, in whatever army, be sent into battle in Laos and Thailand, in support of local forces, against insurgents?

I cannot go back into all the details. I have read the testimony of Secretary Dulles before the Senate at the time the SEATO Treaty was being considered. The report of the Foreign Relations Committee on the SEATO Treaty states that Secretary Dulles said that it was not intended to put land forces on the mainland of Asia, and that the Executive would come to the Congress for authority if it became necessary to engage in war.

He said what the Senator has said and what I have said: In case of an emergency affecting the security of our forces, the President has the constitutional authority to defend them.

Why do we not learn the lesson of Vietnam? I voted for the Tonkin Bay resolution. I said on the floor that day in substance that the resolution would give the President great power, and that "He might take actions which lead us to war." I voted for it, nevertheless because I believed he would be judicious and I have supported appropriations. But I do not intend to vote for another such proposal whether by resolution, treaty or statute unless we have sufficient facts to show that the security of the United States is threatened.

This bill will become a statute. It does not have the great impact of a declaration of war, but it has legal authority. I do not believe President Nixon will do anything reckless. I believe he wants the United States out of war in Vietnam, but we have also our responsibility to do what we can to prevent new wars. Why will we not do it? Has the Secretary of State or the President of the United States, or his Office, or the Secretary of Defense, said, "Do not pass such legislation, we have people fighting in Laos and Thailand, and we do not want to endanger them"? If our Armed Forces are fighting in Laos

or Thailand in support of local forces, in domestic conflicts—we should be told.

If they are fighting in Laos or Thailand in support of local forces, I want to say there has been no authority given by the Congress for such fighting; and I have never heard a President of the United States, President Kennedy or President Johnson, and certainly not President Nixon, say we are engaged in some kind of hostilities in support of local forces in Laos or Thailand.

On August 12 we raised this question. A great many members of the Armed Services Committee took part in that debate including the distinguished Senator from Mississippi. The Senator from Texas (Mr. Tower) and the Senator from Arizona (Mr. Goldwater) and others also took part in that debate.

Is the administration against this amendment?

Mr. MILLER. Mr. President, will the Senator yield?

Mr. COOPER. I promised to yield first to the Senator from Kansas.

Mr. STENNIS. Does the Senator from Kentucky want me to answer that question?

Mr. COOPER. Yes.

Mr. STENNIS. Mr. President, I have not discussed this with the Secretary of State. I have not discussed it with the President of the United States, nor with the Secretary of Defense or any of his representatives. We have a memorandum here from the Department of Defense on all these amendments. We need it, generally, on all amendments, for our information.

But here I am standing on the language. I understand the language better than I did on August 12. I feel the same way about not wanting to get into war, but I am satisfied here that the Senator's language will not touch the point, as I see it, that he expects it to touch. I am willing to take it to conference, and have additional men consider what the language means.

Mr. COOPER. The Senator knows my respect for him; I do not have to tell him that I am not trying to harass the Senator in any way.

Mr. STENNIS. No, I know that.

Mr. COOPER. But I have stated what I intend for it to mean. It is my amendment, and I can state the intention of its legislative effect. What does the Senator from Mississippi consider it to mean?

Mr. STENNIS. I have a very brief prepared statement here, and on my time I shall read that statement. I could read it now; it is brief. It deals with the language, as I have said, and the Chief of Staff here tells me that the memorandum we have from the Department of Defense is along the same lines as to the language.

But I do not have to have anyone advise me on the way this thing looks, as to this language. I am just being frank with the Senator.

Mr. COOPER. I thank the Senator and I am being frank.

I have promised to yield to the Senator from Kansas.

Mr. PEARSON. I thank the distinguished Senator from Kentucky. I lis-

tened to his speech and his very helpful colloquy with the Chairman of the Armed Services Committee.

I should like, just in a capsule manner, to ask the Senator from Kentucky whether or not my understanding of his amendment is correct, which would be that U.S. forces which are now in Thailand and Laos may remain there under the Senator's amendment; and that they, particularly the Air Force units in Thailand, may participate in the war in South Vietnam. Is that correct?

Mr. COOPER. That is correct, and I say it for this reason: The war in South Vietnam is a fact.

Mr. PEARSON. Yes.

Mr. COOPER. I do not think we can constitutionally override the Commander in Chief from doing what he considers best in the conduct of the war such as the direction of troops, the support of the troops that are fighting, or the use of troops in other countries to support our forces and allies in South Vietnam.

Mr. PEARSON. Yes.

Mr. COOPER. Once we got into war, the President is Commander in Chief; I do not think we have any constitutional authority except by refusing appropriations, or rescinding the Tonkin Bay resolution.

Mr. PEARSON. And those troops in Laos and Thailand may defend themselves, is that not correct?

Mr. COOPER. Of course.

Mr. PEARSON. And we may, under this amendment, furnish materiel and costs and related aid to local forces; but, under the amendment, those U.S. troops aiding local forces would be withdrawn, and no further U.S. involvement by troops would be permitted, under this amendment, in controlling the costs for local forces in those two countries?

Mr. COOPER. The Senator's statement is correct.

Mr. PEARSON. That leads me to put the question to the Senator as to whether or not the words "local forces"—and I address this question to the distinguished chairman also—are military words of art, and whether they have a precise meaning. Does the term include constabulary, police, regular forces, or what is the Senator's interpretation of the term "local forces"? I think that goes to the heart of the real meaning of what the Senator from Kentucky intends to do.

Mr. COOPER. Yes. Let us speak of Thailand, for example. I would consider them to be Thai forces, fighting in Thailand against insurgents who are attempting, I assume, to overthrow the Government of Thailand.

Mr. PEARSON. And our involvement is therefore contingent upon authority of Congress, pursuant to the Constitution?

Mr. COOPER. That is correct; and the same would apply in Laos: Laos forces fighting in Laos, against insurgents in Laos.

I might say, the report of the committee when SEATO came before the Senate spells this out perhaps better than I can do it. It quotes the language of Secretary Dulles, and I shall put it in the RECORD. Dulles testified before the

Foreign Relations Committee on January 25, 1955. Section 15 of the report, entitled "Constitutional Processes," reads as follows:

15. CONSTITUTIONAL PROCESSES

In the course of the hearings on January 13, the committee gave consideration to a suggestion by one of the witnesses that a reservation be attached to the treaty which would prohibit the use of United States ground, air, or naval forces in any defense action unless Congress, by a declaration of war, consented to their use against Communist aggression. "This proposal led to a searching discussion in executive session. It was finally rejected as throwing open the entire controversial topic of the relative orbit of power between the executive and the legislative branches. It had been for this very reason as noted above, that the executive branch adopted the "constitutional processes" formula. When pressed for an indication of what the phrase comported, Mr. Dulles assured the committee that those words were used with the understanding that the President would come to Congress in case of any threat of danger.

unless the emergency were so great that prompt action was necessary to save a vital interest of the United States.

Except in that event—

the normal process would be to act through Congress if it were in session and if not in session to call Congress.

The committee ultimately resolved that it would serve no useful purpose to seek to develop the meaning of "constitutional processes" beyond this statement of Mr. Dulles.

In that connection, it is recalled that the committee, referring to the use of the same phrase in the North Atlantic Treaty, observed in its report:

"The treaty in no way affects the basic division of authority between the President and the Congress as defined in the Constitution. In no way does it alter the constitutional relationship between them. In particular, it does not increase, decrease, or change the power of the President as Commander in Chief of the Armed Forces or impair the full authority of Congress to declare war (Ex. Rept. No. 8, 81st Cong., 1st sess.).

Mr. President, that was the statement of Mr. Dulles as to the constitutional procedure intended by the SEATO treaty.

I made several statements—public statements, reports to the country, and reports to Congress—to that effect.

In Vietnam, we did not follow that procedure. I do not want to see us make a mistake in Laos or Thailand. Thailand is a party to the treaty. Laos comes under its protection by the protocol. However, Laos has said at one point that it does not want to be under the protection of the treaty.

What is wrong, I again ask, with trying to make sure that in this bill we use our constitutional power, and responsibility to prevent, if possible, another awful war?

Mr. PEARSON. Mr. President, does the Senator mean by "local forces" any international armed forces within the jurisdiction of the Government of Laos or Thailand?

Mr. COOPER. The Senator is correct. That is within the jurisdiction. The treaty has no application according to an understanding of the United States except against Communist forces.

Mr. PEARSON. "Local forces" may be words of art.

Mr. STENNIS. Mr. President, does the Senator from Kentucky mean to say that his use of the term "local forces" in Thailand includes United States of America forces in Thailand?

Mr. COOPER. No, not at all.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. MILLER. Mr. President, I should like to have the attention of the Senator from Mississippi, because I think my question may bear on some of his concern.

Let me point out to the Senator from Kentucky that there is nothing at all wrong with what he is trying to do. The Senator asks what is wrong with trying to do this. There is nothing wrong at all.

I would guess that most of us share his objective. I can understand the reluctance of the Senator from Mississippi to agree to the language as it is, because the mere fact that we share the objective does not mean that we would use the same language.

I shall ask some questions which I think will bring out what I am talking about.

As I understand the Senator, if his were adopted, it would not prevent us from continuing our bombing activities in Laos.

Mr. COOPER. The Senator is correct. My amendment would go only to clause (2). It would not affect clause (1).

Mr. MILLER. I point out that the bombing activities in Laos can have a two-pronged effect. The bombing of a logistical supply point in Laos could have the result of helping the South Vietnamese situation, or it could have the result of helping the Laotians in their fight against North Vietnamese aggression. It could be a mixed result.

Mr. COOPER. I understand that complication and possibility. No one would suggest that we would have the bombers operating over there as they are if it were not to aid our forces and other forces in Vietnam.

If the Air Force or the commanding general maintains operations in connection with supporting forces in Vietnam, it would not be affected.

Mr. MILLER. In other words, the fact that there might be a mixed result would not affect this situation.

Mr. COOPER. The Senator is correct.

Mr. MILLER. I do not know whether the Senator has visited our bases in Thailand. I have.

Mr. COOPER. I have not visited them.

Mr. MILLER. It is not hard for me to visualize, in the case of some of them, that our troops and our Air Force personnel on those bases could be threatened by guerrilla or insurgent action, either by guerrillas or insurgents of the North Vietnamese or action of another character. Further, as I understand it, the security of those bases is left primarily to the local forces in Thailand. Therefore, in providing that security, if there were a guerrilla or an insurgent attack, the local forces would be fighting against the guerrillas or insurgents.

I wonder if in a situation like that we should not be permitted, as far as the protection of the U.S. forces is con-

cerned, to conduct bombing or strafing attacks. I hope that the Senator would agree that we should be able to do that.

I am concerned that perhaps the language as it is may not permit that action. I point out that in such a situation, it is a very real possibility.

Mr. COOPER. The Senator is correct.

Mr. MILLER. Mr. President, the Senator certainly would not say that we should not be permitted to support local forces which were providing security for our own forces.

Mr. COOPER. Mr. President, I will answer the Senator in the same manner as I answered a similar question with respect to what action our Armed Forces should take to provide for their own security or to provide support for the forces of Laos and Thailand. Obviously that airbase is an American facility. Our bombers leave from there.

I was surprised when the Senator from Texas (Mr. Tower) suggested we could not defend our troops. Of course our troops could defend themselves and defend that base. And if Thais were fighting in defense of the base, of course our troops would continue to fight.

That is not what I am talking about. I am talking about whether we have made a decision to engage our forces in a new war, against an insurgency, or insurrection.

The record of the SEATO Treaty states that it was not to be intended for the parties under the treaty to enter domestic situations. I ask the Senator from Iowa: If the governmental forces of Thailand were fighting insurgents, it would be a local conflict, would it not?

Mr. MILLER. If insurgents or guerrillas were seeking to attack one of our bases, and they ran up against Thai guards who were providing security for that base, it would seem to me that the situation would be such that if we wanted to protect the security of our base, we had better go in and help the guards.

Mr. COOPER. We could do that without question. I do not think any Senator would not agree that we could do that. Of course we could.

I am glad the Senator asked the question, and I respect him for it, but I do not want to have attention diverted—I am sure the Senator does not so intend—from the purpose of the amendment, which I explained on August 12, and about which I am speaking about today.

Mr. MILLER. No one is trying to divert attention any more than anyone might believe that the Senator from Kentucky is inclined to believe that such a situation could not happen. There is nothing wrong with what he is trying to do. He is to be commended for what he is trying to do.

All I am seeking to do is to make sure of the intention of the amendment, and I have already indicated my general agreement with it.

The Senator from Mississippi has said that he is willing to take the amendment to conference and let the language be worked out, if there are problems. I thought I could be helpful in reconciling the two viewpoints by pointing out that there could be a problem in the language as drawn. I do not see why reasonable

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men cannot get together in the Chamber or in conference and bring about that result.

Mr. COOPER. I thank the Senator from Iowa. He has been very courteous and helpful.

Mr. CASE. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. CASE. I should like to think that the Senator from Kentucky and the Senator from Mississippi are differing only upon a relatively minor or peripheral manner suggested by the Senator from Iowa. I do not think they are. I think the difference goes deeper. I not only support the objective of the Senator from Kentucky, but I support his attempt to accomplish his objective on this subject.

I think there is that difference between the Senator from Mississippi and the Senator from Kentucky. The Senator from Mississippi, I think, agrees with the objective, but not on this bill. I would not want us, who have to vote on this matter, to have any doubt about what we are voting on.

May I ask this of the Senator from Kentucky and have the Senator from Mississippi agree or disagree: If we adopt the amendment of the Senator from Kentucky, we are saying to our Government, "You cannot use any money provided by this bill or by any other bill—appropriation bill, authorization bill, or anything else—for the support of American Armed Forces in local conflicts in these two countries."

Mr. COOPER. That is correct.

Mr. CASE. And the Senator from Mississippi would rather have it understood that, because of the historical way in which the foreign-aid military appropriation came into this bill, the Senator from Kentucky's amendment would have a lesser effect. I think I am correct in my understanding. The Senator from Kentucky wants to go the whole way, as he has just indicated, applying not only to the money authorized by this bill but also money provided by any other bill.

Mr. COOPER. Of course. Otherwise, the amendment would have no meaning at all.

Mr. STENNIS. I think the Senator from New Jersey put the question aptly.

The position of the Senator from Mississippi is that, regardless of our intent or purposes or wishes, the language before us does not carry out the objective as stated by the Senator from Kentucky and the Senator from New Jersey, and it will not accomplish the purpose.

Mr. CASE. I would argue that.

Mr. COOPER. I would be willing if the Senator would produce language which would accomplish this purpose, which would prohibit our forces from becoming engaged in local war in Laos or Thailand.

Mr. STENNIS. Mr. President, if it is going to be done, it certainly should be done in language that by no means is uncertain. So, when the time comes for me to obtain the floor, even though I will be brief, and partly in repetition, I will put one, two, three, or four points I have in mind to back up my position.

Mr. COOPER. I should like the Senator

Mr. STENNIS. The Senator from Kentucky has been very kind to yield.

Mr. COOPER. I should like the Senator to spell out, if he will, why the language is not effective. If he agrees with me on the purpose—of Congress using its constitutional authority to prevent the use of our troops in combat in Laos or Thailand—I should like to have his views upon the principle; and if he has a better method of providing us with the means, we will be in agreement.

Mr. STENNIS. Mr. President, I respond to the last part of the Senator's question. Regretfully, there is not a large attendance of Senators in the Chamber at this time. What I say is not important, but what someone says about this bill is important. I believe we are reaching the last stages of the debate, and this amendment raises one of the most far-reaching questions that have been raised. It is a highly important and involved question.

My point now, however, is that this language is not sufficient to reach the Senator's objective. I make the further point that, to me, it is tragic for a matter of this kind to be settled by the Senate without the benefit of any recommendation before it of any committee that studied the matter, or without the suggestions of the President of the United States and others. But if the Senate wants to do that, I have no further complaint.

Mr. President, if it is the intent to prohibit money in this bill or any other bill from being used to support our troops in any country, anywhere, it will just take positive, direct language that says so, and these are the reasons why I have reached that conclusion. Let me make the following points regarding the pending amendment of the Senator from Kentucky to title IV of this bill.

First, it is important that there be an explanation of the legislative background of this entire matter. As Senators know, prior to 1966, the support for countries in Southeast Asia as contemplated in this amendment was a part of the military assistance legislation and, of course, was handled by the Committee on Foreign Relations. Beginning in 1966, however, military assistance for Southeast Asia has been funded as set forth in title IV, under which any funds authorized to the Department of Defense may be used for the stated purposes.

It should be kept in mind that this is the present authority under which all assistance in terms of supplies, gas, oil, and so forth, is extended to the South Vietnamese Army and the other free world forces in Vietnam. In addition, it is the authority under which we support local forces in Laos and Thailand—local forces. That is the entire subject matter of this section. This section is a child of the old legislation before the Committee on Foreign Relations on Military Aid for Foreign Countries. It was transferred to the Committee on Armed Services solely because the war took on such importance and it became such an appreciable part of the military budget. When we say "the other free world forces in Vietnam," as already stated, that means other forces, such as Koreans and others, who are fighting for our side.

As reported by the committee, the language in the bill this year is identical to that reported in prior years. When this matter came up before, I stated that it had been discovered that this was open-end legislation, and the committee wanted to put a ceiling on it and proposed a ceiling lower than did the Senator from Arkansas. He adopted the committee's substitute, and it became known as the Fulbright amendment.

We already have had one floor amendment, as Senators may recall, when, on August 12, an amendment which I supported limited this assistance to \$2.5 billion. That amendment was adopted.

The important fact of this amendment is that the funds under this title in the past—and as I interpret in this amendment—always have been limited to funds for the support of forces in Vietnam or other local forces. To me, it is impossible to read any other meaning, into these words, as proposed by the Senator, especially in view of this historical background.

This title never has been a limitation on the use of funds for the U.S. forces. This amendment does not say that it is a limitation on funds for the U.S. forces. The law and the logic and the system and the reason are that our forces are supported, wherever they are, by our direct appropriations. If you are going to change that, the Senator is going to have to change it to direct language. We do not have that direct language before us.

Mr. President, on August 12, I had printed in the RECORD a table showing expenditures for fiscal year 1968, fiscal year 1969, and anticipated expenditures for fiscal year 1970. The total for this year was slightly over \$2.2 billion.

Mr. President, I ask unanimous consent that that table be printed in the RECORD at this point.

The PRESIDING OFFICER (Mr. GURNEY in the chair). Without objection, it is so ordered.

The table, ordered to be printed in the RECORD, is as follows:

ESTIMATED AMOUNTS INCLUDED IN MILITARY FUNCTIONS
BUDGET FOR SUPPORT OF FREE WORLD MILITARY
ASSISTANCE FORCES IN VIETNAM, LAOS, AND THAILAND
AND RELATED COSTS, FISCAL YEAR 1970 BUDGET
INCLUDING THE AID/DOD REALIGNMENT

(In millions of dollars)			
	Fiscal year 1968	Fiscal year 1969	Fiscal year 1970
Military personnel:			
Army.....	118.0	114.2	116.3
Navy.....	.8	.6	.1
Marine Corps.....	15.0	14.8	14.2
Air Force.....	.2	.2	.2
Total, military personnel.....	134.0	129.8	130.8
Operation and maintenance:			
Army.....	605.8	708.0	632.8
Navy.....	43.3	47.5	53.7
Marine Corps.....	6.1	10.7	10.3
Air Force.....	55.0	131.8	157.1
Total, operation and maintenance.....	710.2	898.0	853.9
Procurement:			
Army.....	552.5	1,243.5	927.3
Navy.....			
Other procurement.....	5.8	10.2	4.2
Shipbuilding and conversion.....	4.5	6.5	3.4
PAMN—Navy air- craft and missiles.....			.2

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CONGRESSIONAL RECORD — SENATE

September 17, 1969

ESTIMATED AMOUNTS INCLUDED IN MILITARY FUNCTIONS BUDGET FOR SUPPORT OF FREE WORLD MILITARY ASSISTANCE FORCES IN VIETNAM, LAOS, AND THAILAND AND RELATED COSTS, FISCAL YEAR 1970 BUDGET INCLUDING THE AID/DOD REALIGNMENT—Continued

(In millions of dollars)

	Fiscal year 1968	Fiscal year 1969	Fiscal year 1970
Procurement—Continued			
Marine Corps.....	68.5	50.8	88.3
Air Force:			
Aircraft procure- ment.....	36.1	88.1	103.9
Missile procure- ment.....	1		
Other procurement..	67.4	85.4	114.4
Total, procure- ment.....	734.9	1,484.5	1,241.7
Military construction:			
Army.....	1.7	10.7	
Navy.....	1.9	3.3	
Air Force.....	9.0	1.5	
Total, military con- struction.....	12.6	15.5	
Grand total.....	1,591.7	2,527.8	2,226.4

Mr. STENNIS. Mr. President, not a dime of that money went to support U.S. forces, wherever located, and not a dime of this money is going for that purpose, according to the way the language is written now. I refer to the money we are talking about in this bill. Common-sense says that; the Senator from Mississippi does not have to say it. That is the situation. If we are going to change the rule about U.S. Armed Forces support money it will have to be spelled out.

This title has never been a limitation on the use of funds for the U.S. Armed Forces. As I interpret the matter, the purpose of the amendment of the Senator from Kentucky is to make certain that within this limitation of \$2.5 billion the support for the local forces will be limited to the purposes stated in his amendment which would be only for supplies, equipment, materiel, facilities, training, and related costs.

I think the amendment is unobjectionable since it spells out the type of local support which would be authorized. I again emphasize, however, that the entire title IV with its legislative history and purpose does not operate with respect to funds used for U.S. forces which, of course, are provided for elsewhere in the Department of Defense appropriations.

When this language came in from the Senator from Kentucky (Mr. COOPER), in my capacity as chairman of the committee I asked that the Senator's language and a very good letter that he wrote each Senator be sent to the Department of Defense for comment.

I now have before me a letter which I did not have before me when I was making my remarks awhile ago. I refer to the comment that we received from the Secretary of Defense when I sent to him the latest amendment and letter by the Senator from Kentucky.

In order to identify it, the memorandum states:

On page 5, line 14, strike out "to support: (1)" and insert in lieu thereof "(1) to support".

Then, here is the language of the Department of Defense:

Under the terms of this amendment and within the amount specified (\$2½ billion limitation imposed by the Fulbright amendment) current activity in support of the local forces in Laos and Thailand could be continued.

It is our considered opinion that in line with the language, legislative history and intent of this entire section, such amendatory language would have no impact on the use of funds for the support of U.S. Forces in Laos and Thailand.

Mr. President, so that all the material may be before the Senate, I ask unanimous consent to have printed in the Record the letter from the Senator from Kentucky dated September 15, 1969, together with a copy of the proposed amendment and the statement from the Secretary of Defense.

There being no objection, the material was ordered to be printed in the Record, as follows:

U.S. SENATE.

Washington, D.C., September 15, 1969.

DEAR SENATOR: On August 12 I offered an amendment to clause (2), Section 401, Title IV of S. 2546, now pending before the Senate. Its purpose was to restrict the use of the funds appropriated under Section 401 in support of "local forces in Laos and Thailand" to equipment, materiel, supplies and training of such local forces and, to prevent the use of the armed forces of the United States in combat in support of local forces in Laos and Thailand.

After some debate, I withdrew the amendment as several members had suggested they wanted additional time for its study. I stated that I would introduce such an amendment when the Congress reconvened in September. The debate may be found on pages S. 9776-9783 in the Congressional Record of August 12.

I will introduce the enclosed amendment, or one substantially similar on Monday, September 15 and will ask that it be made the pending business at the first opportunity. The amendment would not affect clause (1), or restrict the support of Vietnamese or other free world forces fighting in Vietnam. It would prohibit the use of funds for the engagement of the armed forces of the United States in combat in Laos and Thailand in support of local forces of Laos and Thailand. Its purpose is to prevent, if possible, the United States from becoming involved in a domestic war in Laos and Thailand, without the authority of the Congress.

If you should desire to become a cosponsor of the amendment, I would appreciate very much if you would advise me or have a member of your staff contact Mr. Will Haley on telephone extension 2542.

With kindest regards, I am

Yours sincerely,

JOHN SHERMAN COOPER.

PROPOSED AMENDMENT

On page 5, line 14, strike out "to support: (1)" and insert in lieu thereof "(1) to support".

On page 5, line 15, strike out "(2) local forces in Laos and Thailand; and", and insert in lieu thereof "(2) to support local forces in Laos and Thailand, but support to such local forces shall be limited to the providing of supplies, materiel, equipment, and facilities, including maintenance thereof, and providing of training for such local forces, and (3)".

PROPOSED NEW READING OF TITLE IV

(a) Not to exceed \$2,500,000,000 of the funds authorized for appropriation for the use of the Armed Forces of the United States under this or any other Act are authorized to be made available for their stated purposes: (1) to support Vietnamese and other

free world forces in Vietnam, (2) to support local forces in Laos and Thailand, but support to such local forces shall be limited to the providing of supplies, materiel, equipment, and facilities, including maintenance thereof, and to the providing of training for such local forces, and (3) for related costs, during the fiscal year 1970 on such terms and conditions under presidential regulations as the President may determine.

STATEMENT OF COOPER AMENDMENT ON DEFENSE CLAUSE (2), SECTION 401 OF S. 2546

"On page 5, line 14, strike out "to support: (1)" and insert in lieu thereof "(1) to support".

"On page 5, line 15, strike out "(2) local forces in Laos and Thailand; and", and insert in lieu thereof "(2) to support local forces in Laos and Thailand, but support to such local forces shall be limited to the providing of supplies, materiel, equipment, and facilities, including maintenance thereof, and to the providing of training for such local forces, and (3)".

Under the terms of this amendment and within the amount specified (\$2½ billion limitations imposed by the Fulbright amendment) current activity in support of the local forces in Laos and Thailand could be continued.

It is our considered opinion that in line with the language, legislative history and intent of this entire section, such amendatory language would have no impact on the use of funds for the support of U.S. Forces in Laos and Thailand.

Mr. STENNIS. Mr. President, in view of that situation, and my only purpose is to try to get the meaning of the language before the Senate, I submit again to the Senate that the language does not go far enough to carry the point.

I am willing, as I have said, to take it to conference, and if anyone can get any stronger meaning or get something different out of it I would be glad to consider it although I hesitate trying to write such a policy as this on the floor of the Senate with six or eight Senators present in the waning part of the bill that is not directed primarily to the Southeast Asian war. I think it would be a poor time to do it and really it should not be done at all.

I have the greatest respect for the Senator's proposal. I call to the attention of the Senator from Kentucky that a few days ago he was kind enough to give to me and he had printed in the Record language that is much more specific. I do not have the page number of the Record. It was on Friday of last week.

At that time the Senator asked that it not be offered as an amendment; he did not expect to call it up at that time. He then proposed language as follows:

On page 5, line 17, strike out quotation marks and insert in lieu thereof the following:

The foregoing provision shall not be construed as authorizing use of the Armed Forces of the United States to engage in battle in support of local forces in Laos and Thailand.

Now, there is a positive negative.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. STENNIS. I have quoted that language for the purpose of illustrating that I think the Senator must have language that goes at least this far.

I yield to the Senator from Kentucky.

September 17, 1969

Mr. COOPER. Mr. President, as in the case of a great many other provisions in the defense bill, it is difficult to prepare an amendment that will reach the matter effectively.

I considered the types of amendments—one of interpretation or one dealing with authorizations. The Senator is correct. I did at first intend to submit the amendment placed in the RECORD.

The Senator will remember I came to him a few days ago, and gave him a copy of the language I have introduced. I told him that after studying the first amendment placed in the RECORD, I believed that it raised constitutional questions.

Mr. STENNIS. Yes.

Mr. COOPER. I could attach that language at the end of the amendment before us. If the Senator thinks it is needed, I will offer it to be attached to this amendment. However, it is an entirely different matter.

The Senator knows we can provide statements for the bill spelling out our legislative intent, but then the Executive can say, whatever the Senate said was its intent, I have my constitutional powers which I will exercise."

The Senator knows the constitutional way, where we have authority, is through authorizations and appropriations.

If the Senator would prefer, I could offer this language and then we could vote on them together or separately.

Mr. STENNIS. The Senator can offer his language and I will comment on it after he has offered it.

If the Senator puts in the language "or go to war in any circumstances in these two countries without a declaration of war by Congress" that will bring it to issue and there would not be any question about it.

Mr. CRANSTON. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. CRANSTON. I have been repeatedly startled during the course of this debate, which began on August 12, to hear the Senator from Kentucky repeatedly state that he does not know whether we are in combat presently in Laos and Thailand.

It would seem to me that whether we are in combat in Laos and Thailand, other than the bombing type of combat referred to, would not be a matter of military security as to our safety, because certainly the Communists know whether we are involved in combat with them there. Also, rather obviously, this would not be a partisan matter, at least from my point of view since, if we are in combat there, it began before President Nixon entered the White House and it was not started by him.

I would therefore like to ask the chairman of the committee, first, if he, in his capacity, knows whether we are in combat in those places and, second, whether he can share that information with us, if he has it.

Mr. STENNIS. Well, I say this to the Senator, that if there is any combat there on any scale at all, or any reasonable scale, I know nothing about it. No, I do not know anything about it. There might be some skirmishes or something like that going on, but it is not anything that has been recognized that I know

anything about. We are there, as the Senator knows, in some of those places, but I do not have anything that I can report. I do not have anything on it, I am sorry.

Mr. President, just one word further. This is what I lay before the Senate. This is the best I can do with it. I shall support the language of the Senator as he has presented it in his amendment, and as it is now written, for the reasons I have stated. I do not think that I can support any direct language here, though, because it raises so many points—I mean, in the form of an amendment. I cannot support that, because it involves, really, so many complicated points that I would want the counsel, frankly, of others who have even more responsibility. I would want to know what the President of the United States thinks about it, for one thing. I am not putting him on the spot, of course. But this thing is so sensitive and so serious over there. I would like for us to be out of there entirely. I know that is the Senator's hope, too. His purposes are the highest, but on a bill like this, with limited debate and consideration, I could not support the amendment.

Mr. COOPER. The Senator is speaking to the amendment which we—

Mr. STENNIS. Yes. I support the amendment as presented by the Senator in its present form. This other language, though, does raise constitutional questions, as the Senator says. The one he had last Friday.

Mr. COOPER. Then I must ask a few questions of the Senator. I do not understand his position. It is probably my fault. I am sure that it is. Does the Senator say he is willing to support the language which I placed in the RECORD; is that correct?

Mr. STENNIS. No. I said that if that language put in last Friday and also the positive declaration here that the President is not to authorize any activity there except by a declaration of war by Congress, I think those will just have to be debated more and considered more before I would vote for them. I am sure that I will wind up voting for one of them, perhaps.

Mr. COOPER. I did not say declaration of war—

Mr. STENNIS. I said that.

Mr. COOPER. I know.

Mr. STENNIS. I said that.

Mr. COOPER. It could be done in other ways but I want to go back to the amendment which I have introduced and ask the Senator, what is his trouble with it? Is it because the amendment is written to apply to all other acts or is it—

Mr. STENNIS. I am talking about the amendment now before the Senate.

Mr. COOPER. Yes.

Mr. STENNIS. I am agreeing to that amendment and I will vote for it; but it is my duty to point out what I thought the limitations were on the meaning. I will vote for it. I will ask other members to vote for it.

Several Senators addressed the Chair.

Mr. COOPER. Just one moment. The Senator stated that in his view it would not accomplish its purpose and that I

should state what its purpose is? It is to prevent our Armed Forces from getting into a war in Laos and Thailand. Why does it not accomplish that purpose?

Mr. STENNIS. The language does not go far enough. It does not prohibit the use of funds there—appropriated money—to our Army or our other Armed Forces in those countries. To cut it off, we have to be more specific.

Mr. COOPER. The Senator understands, does he not, that this amendment does not in any way interfere with the use to which our Armed Forces may be put in these countries, other than combat, in support of Laos and Thailand. The Senator does not say that this amendment is trying to limit—

Mr. STENNIS. No. I do not think that it—I think the Senator wants it to do that and expects it to and believes that it will. But I do not agree with him. I do not think it has any effect in that field.

Mr. COOPER. In what field?

Mr. STENNIS. In the field of our troops and their activity there.

Mr. COOPER. The language of section 401 deals with funds authorized in this bill or any other acts to the Armed Forces of the United States; does it not?

Mr. STENNIS. Yes, with the ceiling on it of \$2.5 billion.

Mr. COOPER. I will repeat. Section 401 provides for the authorization of funds to the U.S. Armed Forces, whether in this bill or any other bill.

Mr. STENNIS. No.

Mr. COOPER. If we cannot agree on that, I do not know what we can agree on. If we cannot agree to the language of the title itself, which spells out clearly that that is what it is for—

Mr. STENNIS. May I call the Senator's attention to the first line of that amendment, which says, "not to exceed \$2.5 billion of the funds authorized for appropriation for the use of the Armed Forces of the United States."

That refers to the huge appropriation bill which will come before the Senate in a few weeks, providing for \$77 odd billion, and that is all appropriated for the use of the Armed Forces of the United States. This act would let some of it go for these purposes.

Mr. COOPER. But section 401 refers to all the funds that may be appropriated by this bill or other acts to the Armed Forces of the United States. It refers to that, does it not?

Mr. STENNIS. Yes; \$2.5 billion worth of it.

Mr. COOPER. It refers to all acts.

Let me retrace what happened on the Fulbright amendment, with the assistance of the Senator from Mississippi and his consent, as a parallel to this situation. The Senator from Mississippi and the Senator from Arkansas (Mr. FULBRIGHT) agreed, and the Senate agreed, that only \$2.5 billion under this or any other bill could be used for the purposes of clause 1 and clause 2.

Mr. STENNIS. That is correct.

Mr. COOPER. The Senator from Mississippi found it a very good vehicle to prohibit the funds under the use of this bill or any other bill, except the \$2.5 billion, to those forces. Now, logically, I am fol-

lowing the Senator's precedent. That is that with respect to local forces in Laos or Thailand, the funds authorized under this act or any other act—just as the Senator from Mississippi used—cannot be used for combat in support of Laos or Thailand.

What has mystified me is that the Senator from Mississippi has used this vehicle section 401—and I say it with respect—for the purposes for which he agreed. I go further provide that, under this or any other act, any funds authorized to the U.S. Armed Forces cannot be used to put them in battle in Laos or Thailand in support of those forces.

It is absolutely logical. The Senator from Mississippi used the method. I say that with great deference. Now when I proposed to use it by amendment, the Senator from Mississippi says it is ineffective; it does not mean what it says. Yet he is willing to accept it. I say this with great respect.

I simply cannot see how the Senator from Mississippi used this method on August 12 and now says it cannot be used for the purpose I propose. I would like the Senator to tell me why he could use this method on August 12 and why he objects to it today when I offer an amendment?

Mr. STENNIS. Mr. President, I think the answer is simple. We were using it on August 12 to authorize the use of this money for the local forces in countries in Southeast Asia, but we limited the amount that could be used that way to \$2.5 billion and it is limited further by saying it had to be for stated purposes. Then we set forth the purposes. So those are two limitations there.

I read a sentence that is a part of the history of this act, which was sent to us before the bill was written up.

Title IV, Section 401. The section (meaning 401) is needed because otherwise there would be no authority to use funds appropriated to the Department of Defense to support other than U.S. forces.

This language is necessary in order to authorize the use of funds appropriated for the U.S. forces in support of those in Vietnam and Laos and Thailand.

That is why there has to be some language here. This is spelled out more or less in what I call military language. It could have been written in a different form, but it has a clear and distinct meaning and history. However, the Senator from Kentucky believes that his language is broad enough to cover his purposes, so he can vote for it. I do not believe it is broad enough, so I am going to vote for it.

As I said, if it can be pointed out where either one of us is clear or wrong, I shall be glad to hear it.

Mr. President, that is all the service I can render to the Senate at this time. In its present form, I support the amendment for the purposes stated.

Mr. COOPER. Mr. President, I have stated what my purpose is. I believe the language of the amendment shows clearly that it intends that purpose; but I can see that the Senator from Mississippi disagrees with me. The Department of Defense is more likely to follow his views than mine. I see on the floor Sen-

ator COOK, Senator CRANSTON, and Senator JAVITS, who are cosponsors of the amendment. What I say and what they say is the proper source of interpretation that can be provided to the amendment. The Senator can question our interpretation, but we can speak with the purpose and legislative intent of our amendment. Of course, it could be only academic, because if we get into a war, it would not make much difference and would do very little to help.

I stand on the amendment. I will ask for a rollcall vote. I want it clearly understood that I consider its purpose is to prohibit, to prevent, the use of any funds appropriated by the Congress of the United States to the Armed Forces of the United States, for sending our Armed Forces into war, armed conflict, combat—whatever it may be called—in Laos and Thailand. That is my intent, and I stand on it, and I know my cosponsors will support me.

A few minutes ago the Senator from California said he did not understand why I did not know we were fighting in Laos and Thailand. I know only rumor. I do not recall that anyone from the State Department or the Defense Department came before the Foreign Relations Committee, or any other committee I have been associated with, and said, "We are engaging in combat in Laos against the Pathet Lao," or, "We are engaging in Thailand against the insurgents."

To make my point, if we are engaged in war and combat in those two countries, the Executive has the duty to tell Congress and tell the American people. If we are not now engaged in war, or have not proceeded to the point where it would be difficult to disengage ourselves, then I say again, it is my belief, at least, that no President of the United States has the constitutional authority to put us into war there without the authority of Congress.

The President has great constitutional powers. If our troops are attacked, he has the right to defend them. If our facilities are attacked, he has a right to defend them. But unless an emergency situation arises, we have no right to be engaged in war without the consent of Congress.

I have tried to draw upon the experience of the war in Vietnam, one which has caused this country great anguish, and has caused Members of this body anguish. Many have lost loved ones in the war; but the fact that any in the Senate have lost loved ones is of no greater importance to them than any other individual in this country may experience in the loss of ones he holds dear.

If Congress never intends to do anything about these situations, why make all this protest after the fact? Why all the speeches about it? Why all the hopes expressed that we want to get out of Vietnam; and yet, when we have a chance, if there is danger of another war, to prevent it, we do not stand together on it?

I thank the Senator. I am willing to yield back the remainder of my time.

Mr. MILLER. Mr. President—

Mr. STENNIS. Mr. President, I believe I have the floor.

For the reasons I have already stated, and for those that have been expressed, that this language offered by the Senator from Kentucky clearly, in my mind, does not go to the issue that he argues about, support for U.S. troops in Thailand or Laos. I do not believe it would have any effect, but I am willing to take the amendment to conference and seek such additional light as may come from any other source in considering it there.

Mr. President, in conclusion, I ask unanimous consent to have printed in the RECORD a short statement comprising the legislative history of title IV. I yield the floor.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

LEGISLATIVE HISTORY OF TITLE IV—SUPPORT OF FREE WORLD FORCES IN VIETNAM

Section 401—This section authorizes separate and later appropriations action that would make Department of Defense appropriations available for the support of South Vietnamese and Other Free World Forces in Vietnam, including local forces in Laos and Thailand, and for related costs. This authorization permits such appropriation action whether the funds are authorized for appropriation under this or any other act. For instance, it authorizes the Procurement and RDT&E funds authorized under this act to be made available for these purposes and it also authorizes the military personnel and operation and maintenance type funds (the appropriation of which is authorized under other permanent law) to be made available for these purposes.

This authorization is not new. Similar language has been carried each year in the authorizations and appropriations acts for the Department of Defense beginning in fiscal year 1966. The section is needed because otherwise there would be no authority to use funds appropriated to the Department of Defense to support other than U.S. forces. This limited merger of funding of support of allied forces in a combat area with that of United States forces engaged in the same area is similar to the practice followed during the Korean War.

There is an additional provision of permanent law related to this section which requires the Secretary of Defense to report to the Congress the value of support furnished under these authorities at the end of each quarter.

RELATED COSTS

Within the following policy is identified the types of costs that are contemplated to be charged to military functions appropriations under the provisions of this section including "related costs".

1. *Basic Policy.* Each proposed agreement will be approved by the Secretary or the Deputy Secretary of Defense, and costs can be charged to military functions appropriations only when (a) they are provided for in such an agreement, and (b) they meet the criteria described in paragraphs 2 and 3 below.

2. *Costs in Vietnam.* All costs incurred in Vietnam for the support of Vietnamese and other Free World Forces, except regular pay and allowances, may be charged to military functions appropriations. These costs are the same types as those incurred in Vietnam for the support of U.S. Forces and, in addition, may include reasonable allowances for hazardous duty pay or other entitlements that are incurred for personnel in Vietnam but that would not be incurred if the personnel were not in Vietnam.

3. *Related Costs.* "Related" costs are those costs directly related to Free World Forces deployed or to be deployed to Vietnam but

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incurred wholly or substantially outside of Vietnam. These costs would be charged to military functions appropriations.

Examples of related costs

- a. Specialized training to prepare for operations in Vietnam, e.g., jungle training.
- b. Specialized individual and organizational clothing and/or equipment required for operations in Vietnam but not normally provided for in allowances authorized in home country, and which would be deployed with the units to Vietnam or provided in Vietnam.
- c. Standard individual and organizational clothing and/or equipment required to fill shortages to authorize allowances, which equipment would be deployed with the units or furnished after arrival in Vietnam.
- d. Equipment and supplies and out-of-home country costs (training) for establishment or improvement of LCC's directly related to the support of forces deployed, but excluding improvement or expansion of facilities (operational, maintenance, supply, or training) within the home country.
- e. Preparation for shipment, and transportation of supplies, materials and equipment of the forces to be deployed, including resupply that is provided only from the home country.
- f. Transportation of forces deployed to Vietnam, and transportation of replacement, rotation or evacuation of such forces.
- g. Overseas duty allowances, death gratuities, and wounded-in-action benefits according to the practices of the country involved.
- h. Hospitalization and other medical treatment of Vietnam casualties in U.S. military facilities outside Vietnam except that in home country present arrangements for treatment of non-U.S. patients in U.S. medical facilities would remain in effect with the respect to costs chargeable to MAP funds.
- i. When the forces return to the home country, costs of replacing lost equipment and supplies so that the forces are as well equipped as, but no better equipped than, when they arrived in Vietnam.
- j. Reconstitution of the forces deployed in Vietnam.
- k. Increase in readiness levels of forces remaining in the home country through added equipping levels, strength or equipment modernization.

GENERAL PROVISIONS

"SEC. 401. Subsection (a) of section 401 of Public Law 89-367 approved March 15, 1966 (80 Stat. 37), as amended, is hereby amended to read as follows:

"Funds authorized for appropriation for the use of the Armed Forces of the United States under this or any other Act are authorized to be made available for their stated purposes to support: (1) Vietnamese and other free world forces in Vietnam, (2) local forces in Laos and Thailand; and for related costs, during the fiscal year 1970 on such terms and conditions as the Secretary of Defense may determine."

LEGISLATIVE HISTORY

A. Authorization

1. Fiscal Years 1966-1967

This authorization was included as section 401 of Public Law 89-367, 89th Congress, March 15, 1966, at the request of the Department of Defense.

Senate Report No. 992 dated February 10, 1966, pp. 11-12.

House Report No. 1293 dated February 18, 1966, pp. 2 and 4.

Senate Hearings before Senate Armed Services and Appropriations Committees on S. 2791 and S. 2792, January and February 1966, pp. 7, 35, 44-45.

House Hearings before House Armed Services Committee H.R. 12334 and H.R. 12335, pp. 4875, 5241.

2. Fiscal Year 1968

Section 301 of Public Law 90-22, 90th Congress, June 5, 1967.

Senate Report No. 76, March 20, 1967, pp. 24-25.

House Report No. 221, May 2, 1967, pp. 37-38.

3. Fiscal Year 1969

Section 401 of Public Law 90-500, 90th Congress, September 20, 1968.

Senate Report No. 1087, April 10, 1968, pp. 23-24.

House Report 1645, July 5, 1968, pp. 21-22.

B. Appropriations

1. Fiscal Year 1966

This language was included as section 102 of Public Law 89-374, 89th Congress, March 25, 1966 as requested by budget amendment included in House Document No. 362 submitted by the President January 19, 1966.

House Report No. 1316, March 11, 1966, p. 14.

Senate Report 1074, March 17, 1966, pp. 26-27.

Hearings—Supplemental Defense Appropriations for 1966 on H.R. 13546, pp. 10, 27, 50, 119-121, and 150.

2. Fiscal Year 1967

Section 640(a) of Public Law 89-687, 89th Congress, October 15, 1966.

House Report No. 1652, June 24, 1966, p. 32.

Senate Report No. 1458, August 12, 1966, p. 55.

3. Fiscal Year 1968

Section 639(a) of Public Law 90-96, 90th Congress, September 29, 1967.

House Report No. 349, June 9, 1967, p. 60.

4. Fiscal Year 1969

Section 537(a) of Public Law 90-580, 90th Congress, October 17, 1968.

House Report No. 1735, July 18, 1968, p. 60.

Mr. MILLER. Mr. President, I send to the desk an amendment to the pending amendment, and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. The Senator from Iowa (Mr. MILLER) proposes an amendment to Cooper Amendment No. 165 as follows:

On page 2, line 2, after the word "limited," insert the following: "except where protection of United States personnel is directly concerned,".

Mr. MILLER. Mr. President, I have discussed this amendment with the primary author of the amendment, Mr. COOPER. I wish to emphasize again that I think he speaks for most of us, if not all of us in the Senate, in stating the objective. I certainly share it, and I believe the Senator from Mississippi shares it. Our problem is whether or not the language would achieve the objective.

I recognize the desirability of having this matter considered in conference, with many conferees looking at it. The only thing that concerns me as of now is that we do not face up to the problem that could arise from the standpoint of providing security for our bases in Thailand. It is a real problem, and the security, as I understand it, is to be provided by local forces.

My amendment would cover that situation. I think if we are dealing with something like this, that is as sensitive as this is, it must be related to what is the reality over there, not what it was 10

years ago or what it may be 10 years from now, but what it is today.

I think we would not want the Senate to go on record in such a fashion as to cause members of our Armed Forces serving in Thailand to think that we have forgotten about them.

I suggest to the Senator from Kentucky that this language squares exactly with what his policy is, as developed during our colloquy. I believe it squares with the position of the Senator from Mississippi as well; and it may help get this problem resolved to the satisfaction of both Houses.

Mr. COOPER. Mr. President, I am perfectly willing, if the Senator wishes, for him to offer it himself and have it voted on. I am willing to make it a part of my amendment, but I think he should offer it. I shall support his amendment.

Mr. MILLER. We could have a separate vote on it, or, the Senator from Mississippi may be agreeable. Is the Senator from Mississippi agreeable to the amendment?

Mr. STENNIS. What is the position of the Senator from Kentucky?

Mr. COOPER. I said it was all right. The Senator from Iowa has inserted, on the second page, I believe, after the word "limited," the words "except"—

Mr. MILLER. Let me read the language for the Senator from Mississippi; perhaps he did not hear the clerk read it.

On page 2 of the Cooper amendment, after the word "limited", would be placed the following language:

"except where protection of the United States personnel is directly concerned,"

That covers the situation at the Thai bases that the Senator from Mississippi heard discussed between the Senator from Kentucky (Mr. COOPER) and myself.

Mr. STENNIS. Has the Senator from Kentucky accepted it?

Mr. COOPER. I will accept it—

Mr. STENNIS. I see no objection.

Mr. MILLER. Mr. President, I move the adoption of the amendment.

Mr. MANSFIELD. Is it an amendment or part of the original amendment?

The PRESIDING OFFICER. This is an amendment to the amendment.

Mr. MANSFIELD. Accepted by the author of the amendment?

The PRESIDING OFFICER. That is right.

Mr. MANSFIELD. Does the Senator from Kentucky wish to modify his amendment to that effect?

Mr. COOPER. It is his amendment. I think he wants a voice vote on it.

Mr. HOLLAND. Mr. President, a point of order. I understood the distinguished Senator from Kentucky had accepted this amendment.

Mr. COOPER. I said I would support it. I do not know whether I said I would accept it.

The PRESIDING OFFICER. The Chair will state that unless the Senator from Kentucky has modified his own amendment, the Senate must take action upon the amendment to the amendment offered by the Senator from Iowa.

Mr. MILLER. May we have the question, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment of the Senator from Kentucky offered by the Senator from Iowa.

The amendment to the amendment was agreed to.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. Will the Chair state the question?

The PRESIDING OFFICER. The question now is on agreeing to the amendment of the Senator from Kentucky, as amended by the amendment of the Senator from Iowa.

Mr. DOMINICK. Mr. President, I just want to make sure that I understand what is going on here, and I am not sure that I do, even as a member of the committee, after having been here and listened to this colloquy.

What we are doing, as I gather, is amending the general provisions on page 5 of the bill.

What page 5 does is authorize funds which have been appropriated for the use of the support of American troops, to be able to put those in one fiscal system, so we can support local troops.

I am frank to say I cannot see any difference between the wording in the bill as it is now constituted and the wording of the bill as it would be if the amendment of the Senator from Kentucky were agreed to. What I am trying to find out is, what is the difference?

Mr. STENNIS. Mr. President, will the Senator yield to me?

Mr. DOMINICK. I am happy to yield.

Mr. STENNIS. If the Senator is asking me, I do not think there is any difference.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. DOMINICK. I might say also that we have the additional factor that there is a limitation of \$2.5 billion, which does not show up in the wording of the bill, but which is apparently part of the act under Public Law 89-37.

So what we are saying is that we are renumbering the paragraphs numbered 1, 2, and 3, and saying that our own troops in Laos and Thailand can protect themselves against that and that the other funds in the measure are going to be used for supplies, facilities, and training, all of which, I thought, came within the wording of the stated purposes of support of local forces.

So, with all due respect, I wonder why we have to have a rollcall vote on it.

Mr. COOPER. Mr. President, the Senator and I differ on the interpretation, and I stand by my own views, purposes, and interpretation. I think my amendment would apply not only to this act, but to other acts that may involve money for such purposes.

The Senator from Mississippi says he is ready to vote and that he will vote for the amendment. I welcome his support.

Mr. DOMINICK. Mr. President, I am also ready to vote.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. MANSFIELD. Mr. President, there is one thing that the Senator from Kentucky does not do, and that is to speak with a forked tongue.

I think the intent of the amendment is very well known and very clear to the membership of the Senate. The main purpose of the amendment is to see that we do not back into another Vietnam by way of Laos or Thailand.

Mr. STENNIS. That purpose is unchallenged all the way throughout the debate.

Mr. COOPER. Mr. President, I do not want to delay the vote. However, with reference to the long debate had on another amendment which the Senator from Michigan (Mr. HART) and I, along with other Senators, sponsored and also with reference to the debate on the amendment today, and in all respects, I pay my tribute to the Senator from Mississippi. He does not need my tribute. He has been fair and just. As always, I am grateful for having worked with him.

Mr. MANSFIELD. Mr. President, I join the Senator from Kentucky in what he has to say about the Senator from Mississippi who has had a grueling job in connection with the pending bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kentucky, as amended. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Washington (Mr. MAGNUSON) is absent on official business.

I also announce that the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Michigan (Mr. HART), the Senator from Louisiana (Mr. LONG), the Senator from Wyoming (Mr. MCGEE), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Michigan (Mr. HART), the Senator from Louisiana (Mr. LONG), the Senator from Wyoming (Mr. MCGEE), the Senator from West Virginia (Mr. RANDOLPH) and the Senator from Texas (Mr. YARBOROUGH) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from New York (Mr. GOODELL) and the Senator from California (Mr. MURPHY) are necessarily absent.

The Senator from Illinois (Mr. PERCY) is absent on official business.

The Senator from Vermont (Mr. PROUTY) is absent because of illness.

The Senator from Maryland (Mr. MATHIAS) is detained on official business.

If present and voting, the Senator from Arizona (Mr. GOLDWATER), the Senator from Maryland (Mr. MATHIAS), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. PERCY), the Senator from New York (Mr. GOODELL) and the Senator from Vermont (Mr. PROUTY) would each vote "yea."

The result was announced—yeas 86, nays 0, as follows:

[No. 90 Leg.]

YEAS—86

Aiken	Fannin	Moss
Allen	Fong	Mundt
Allott	Gore	Muskie
Anderson	Gravel	Nelson
Baker	Griffin	Packwood
Bayh	Gurney	Pastore
Bellmon	Hansen	Pearson
Bennett	Harris	Pell
Bible	Hartke	Proxmire
Boggs	Hatfield	Ribicoff
Brooke	Holland	Russell
Burdick	Hollings	Saxbe
Byrd, Va.	Hruska	Schweiker
Byrd, W. Va.	Hughes	Scott
Cannon	Inouye	Smith
Case	Jackson	Sparkman
Church	Javits	Spong
Cook	Jordan, N.C.	Stennis
Cooper	Jordan, Idaho	Stevens
Cotton	Kennedy	Symington
Cranston	Mansfield	Talmadge
Curtis	McCarthy	Thurmond
Dodd	McClellan	Tower
Dole	McGovern	Tydings
Dominick	McIntyre	Williams, N.J.
Eagleton	Metcalf	Williams, Del.
Eastland	Miller	Young, N. Dak.
Ellender	Mondale	Young, Ohio
Ervin	Montoya	

NAYS—0

NOT VOTING—13

Fulbright	Magnuson	Prouty
Goldwater	Mathias	Randolph
Goodell	McGee	Yarborough
Hart	Murphy	
Long	Percy	

So Mr. COOPER's amendment (No. 165), as amended, was agreed to.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COOPER. Mr. President, I ask unanimous consent that the names of the Senator from Kansas (Mr. PEARSON), the Senator from Arkansas (Mr. FULBRIGHT), and the Senator from Maryland (Mr. MATHIAS) be shown as cosponsors of the amendment, as modified, just voted upon by the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 499) for the relief of Ludger J. Cossette, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the joint resolution (S.J. Res. 26) to provide for the development of the Eisenhower National Historic Site at Gettysburg, Pa., and for the purposes, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 13194) to amend the Higher Education Act of 1965 to authorize Federal market adjustment payments to lenders with respect to insured student loans when necessary in the light of economic conditions, in order to assure that students will have reasonable access to such loans for financing their education asked a

Chinese military aid to Hanoi; nothing about withdrawal of North Vietnamese forces from South Vietnam.

It is evident that these types of professional anti-war organizers are interested in one thing—attempting to dictate the foreign policy of our government from the streets.

There is a definite dividing line between those sincere people across the nation who want to see an end to this war and those who see in this turmoil a chance to grab for power. President Nixon pointed that out clearly.

A great deal is heard about the organizations such as the one mentioned above. But we would like to quote from another organization, "Citizens Committee for Peace With Freedom in Vietnam." It was founded in 1967 by the late President Dwight D. Eisenhower, former President Harry S. Truman and former Sen. Paul H. Douglas of Illinois.

The committee said last week: "Hanoi is fighting on three battlefronts—in Vietnam, in Paris, and in American public opinion. The enemy's only remaining chance for total victory lies here in the United States—in the pressures of American public opinion."

We hope the American people will also recognize this fact and support the President in his sincere and determined efforts to bring about an honorable peace.

CONGRESSMAN HORTON SEES LAOS AS FIRST TESTING GROUND FOR NIXON DOCTRINE

HON. ROBERT T. STAFFORD

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

MR. STAFFORD. Mr. Speaker, in his speech on November 3, the President reported to the Nation his thinking on what policy future U.S. foreign involvements should be based on.

He spelled out in welcome terms the meaning of the new Nixon doctrine of U.S. foreign policy which will be aimed at helping our free world allies to help and to defend themselves.

Two days ago, in a speech before the Rochester Association of the United Nations, our colleague, the gentleman from New York, expressed strong support for this new direction in foreign policy. He went on to cite the present situation in Laos as one where the tenets of this new doctrine should receive their first real test.

Congressman HORTON made several points in his Rochester speech which I feel should be brought to the attention of the Congress and the public. Mr. Speaker, I would like to insert at this point in the Record the full text of his remarks:

FIRST TESTING GROUND—LAOS

(By Hon. FRANK HORTON)

This meeting of the R.A.U.N. Board comes at a time of both great optimism and great pessimism about the future of U.S. foreign policy as it relates to peace in the world.

On the one hand, the great national debate over Vietnam has grown into a symbolic popularity contest between peace marchers and telegrams on the President's desk. But the heat of this debate has caused many Americans to overlook the essential change in the Vietnam debate in the days since

President Nixon took office. We are no longer debating whether or not to bomb the North. The debate is now focused between those who seek quick but gradual withdrawal from Vietnam, leaving behind a strengthened South Vietnamese Army and Government, and those who seek withdrawal immediately without regard for the consequences in Southeast Asia. It is no longer a debate "whether to get out," it has now turned into a discussion of "how to get out, and how quickly."

Despite the lack of dramatic withdrawal announcements in President Nixon's speech a week ago, I am convinced that he feels our involvement in Vietnam and the policy assumptions on which that involvement was built are wrong. Whether or not you think the President is moving fast enough toward withdrawal, the American people who feel we can no longer police the world alone must welcome at last, a President who is taking a hard look at the way we have carried out the policies of containment of communism which were forged under President Truman over 20 years ago.

With all of the despair, pessimism and frustration our nation feels with each passing day of war and bloodshed in Asia, I feel there is great reason for optimism about the future of American foreign policy. Last Monday, the President underscored the importance of the policies he announced last summer in Guam and Manila which he called the "Nixon Doctrine." Unlike the Monroe Doctrine, the Truman Doctrine and the Eisenhower Doctrine, the Nixon Doctrine is not founded on a threat or promise of landing U.S. Marines on the shores of allies in threatened regions of the world. Instead, it seems genuinely to be a self-help doctrine, offering material, economic and equipment aid to free world governments threatened by invasion or by communist guerrilla wars. But the Doctrine specifically states that the threatened nation and her regional allies will have to stand in their own defense, without reliance on U.S. troops.

I think that if the President's speech could have been given last week without the emotional backdrop of the Vietnam war, his enunciation of new guidelines for the way in which America will honor her treaty commitments would have been loudly and publicly acclaimed.

There is particular significance in the Nixon Doctrine for the concept which underlies United Nations peacekeeping.

As you know, for three straight Congresses, I have sponsored resolutions that would put the United States on record as favoring use of the U.N. as a multi-lateral peacekeeping establishment. My particular resolution which this Board has endorsed, calls for the setting up of a peacekeeping force made up of earmarked units from U.N. member nations. My resolution takes the further step of asking the United States delegation to the U.N. to offer, as a measure of our sincerity, an American support unit of 1,000 men earmarked for U.N. peacekeeping duty.

I am sorry to have to report at this time, that despite the number of Congressmen and Senators who have co-sponsored similar resolutions, neither the House Foreign Affairs nor Senate Foreign Relations Committees have scheduled hearings thus far.

I am firmly convinced that with the rising pitch of nationalism within every region of the world, we have just seen the beginnings of regional "brush-fire" wars. We cannot continue to gamble with the safety of the world by juggling a balance of power in each region with tugs of war between the great powers. The ideal solution would be to move immediately to a truly international peacekeeping structure, centered around the U.N. Obviously, competing international interests, and a festering cold war will prevent this from happening overnight—just as it has stymied U.N. peacekeeping progress up to

now. But I think any steps that are taken toward making responses to brush-fire wars multilateral, are steps in the right direction.

That is why I am so encouraged by the Nixon Doctrine, and why it will be crucial in the months and years ahead to see how it is carried out. By removing the pledge of quickly and massively deployed U.S. troops as the first line of defense of the free-world's outer boundaries, we can take a major step toward defusing potential military confrontations between the great powers.

By putting our allies around the world—in Europe, in Asia and in Latin America—on notice that the responsibility for providing well-trained manpower to preserve freedom will be theirs, and not ours, we accomplish several positive results. First, we remove the complacent dependency on American military might that has lulled the Western world into laxity and de-emphasis on self-defense. Second, we encourage the development of regional treaty organizations which are truly regional. Instead of sharing only a mutual dependency on U.S. intervention, the new generation of treaty organizations will, of necessity, involve active and proportional military participation by all member nations seeking to benefit from the regional defense umbrella. In SEATO there must come about a strong, well trained alliance, manned by the free nations of Southeast Asia and partially supplied and trained by the U.S. NATO, too, will have to revert to a more truly mutual alliance if the Nixon Doctrine is carried out to its full implications.

Another benefit of implementing the Nixon Doctrine would be a gradual lessening of the proportion of the Free World's defense burden that will have to be borne by American tax dollars. If our military establishment does not actually shrink in the years to come, I think at least that its rapid rate of growth in this decade can be stopped or slowed to a trickle as the world becomes convinced that the President is serious in pursuing this new policy direction.

This brings me to the final, and disturbing point of my message. How serious is our government about implementing this new and hopeful policy guideline? Because the 91st Congress, more than any of its predecessors, is closely scrutinizing every aspect of U.S. foreign and military policy, and because this Administration is making an honest effort to level with the public on foreign policy moves (as evidenced by the President's speech last week), we know a great deal more today about our foreign interests and maneuverings than we have in the past. One outgrowth of this is the growing public awareness and concern over recent events in Laos. I believe much of this concern is justified. On October 15, moratorium day, I ended a speech on Vietnam policy with the following warning:

The clouds which hang today over Laos look ominously like those which shadowed Vietnam five years ago. Reports that American advisors are there in substantial numbers are disturbing if they mean that the Vietnam experience is being recycled a few hundred miles northwest of Saigon. If we have not already learned the lesson that the nature of our military commitments must change in a world-wide context, let us learn it now before a new Vietnam is born in the wake of this tragic war.

When I was in Vietnam in January of 1968, the members of my Military Operations Subcommittee were fully briefed on U.S. military operations in Laos. At that time, there was very heavy infiltration along the Ho Chi Minh trail in Laos by the North Vietnamese, and we were trying to slow it down with bombing raids along this jungle corridor as part of our war effort in South Vietnam.

Recent reports indicate that the number of U.S. advisors in Laos, today is believed to be over 1,000. The main mission of these men is to advise the Royal Laotian Army of Prince Souvanna Phouma. At the same time,

It is believed that there are 50,000 North Vietnamese in the portions of Laos controlled by the Communist Pathet Lao.

Our present role has recently been said to include activities by the Central Intelligence Agency in funding and training an army of Miao tribesmen in Northern Laos. This army is said to be the best trained and equipped anti-communist force in Laos. While the State Department has not officially disclosed the functions of our personnel in Laos, it is clear that we have undertaken in a major way to help stave off the advance of the Pathet Lao, which today threatens the neutralist government of Prince Souvanna Phouma. Under the Geneva accords of 1962, foreign intervention in neutralist Laos was prohibited. This understanding has been violated by everybody, from the Soviet Union and Chinese who have helped to equip and train the Pathet Lao and North Vietnamese in Laos, to our own country which found it necessary to take steps to limit the use of Laos as a sanctuary for communist troops and supplies destined for South Vietnam.

The question we are faced with in Laos is not whether we should desert the neutralist government to face alone the risks of a Pathet Lao takeover. We agree that communist takeover of Laos would be as undesirable as total Viet Cong victory in South Vietnam. But the serious question here is how can we strengthen the neutralist government without getting involved in another Vietnam, in a nation which is a less attractive Asian battleground than South Vietnam itself—if that is possible.

Laos can become either the Guadalcanal or the Waterloo of the Nixon Doctrine. If our unilateral intervention, clandestine or not, continues to grow—then the dependency of the Laotians on America will grow along with it. We cannot permit this to happen. Other Southeast Asian nations—particularly Thailand—have a vital interest in preserving the neutral status of Laos. I would think that India, the major neutralist power, would have an interest in discouraging the takeover of fellow Asian neutralists.

Two steps must be taken immediately before the situation in Laos becomes a *fait accompli* for irreversible U.S. intervention.

We must call for an immediate session of the 1962 Geneva signatories who originally guaranteed the neutral status of Laos. The alarming increase in North Vietnamese troops in Laos makes such a meeting that much more urgent. The communists are now in a position to allow world opinion against American intervention in Southeast Asia to feed on the publicity Laos is now getting here at home. Calling for a new meeting of the Geneva signatories could serve to point up the real danger that the neutral regime may face in a short time.

Second, we must take immediate steps to de-Americanize the Western military aid and personnel in Laos while the numbers are small. The free Asian governments must decide among themselves whether Laos is vital to their own well-being, and if so, they must, with our material help, take steps to replace the Americans now helping to build Laotian defenses.

By making Vietnamization of the Vietnam war his primary objective, President Nixon is forming the cornerstone of his new foreign policy in Laos, he has the chance to build on this foundation at an early stage. Whether or not the struggle in Laos explodes into a neutralist war against the Pathet Lao and North Vietnam, we must not be caught in the same position in which we found ourselves in Vietnam in 1964.

I urge your support for these steps to replace direct American intervention in Laos. As directors of the Rochester Association for the United Nations, you are in a position to help lead public opinion on foreign policy in the Rochester area. I firmly believe that the Nixon Doctrine is a very meaningful and

welcome step away from the dangers of "red button" confrontation and toward the eventual goal of truly international peace-keeping through the United Nations. I hope you will lend your support to this vital element of the President's policy.

Public acceptance and recognition of the Nixon Doctrine new policy goals will help to demonstrate to our allies around the globe that the American people and their government are sincere in setting this new course. If this support is forthcoming soon enough, it could help immensely to establish this doctrine as the basis for free world foreign policy for years to come.

CLOSING THE WORLDWIDE LEARNING GAP: AN IMAGINATIVE PROPOSAL FROM AMERICAN INDUSTRY

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. FASCELL. Mr. Speaker, during the closing days of October, a very significant conference took place in San Francisco. Arranged as part of the 50th anniversary celebration of the Institute of International Education, the conference had a single, challenging objective—a workable program of educational assistance to developing nations involving private enterprise in cooperation with the United States and foreign governments.

Cochaired by Mr. Ernest C. Arbuckle, chairman of the board of Wells Fargo Bank, and Mr. O. Meredith Wilson, director of the Center for Advanced Study in the Behavioral Sciences, the conference featured a number of prominent speakers from industry, the academic sector, foundations, foreign countries, and the U.S. Government. Their presentations suggested new and exciting dimensions for social development-oriented programs of American and multinational firms operating in the developing countries.

One of the most interesting presentations at the conference was delivered by Mr. C. W. Robinson, president of Marcona Corp., which firm has a long and inspiring record of supporting education in Latin America.

Fully conscious of the important role which education plays in the processes of development, and of the great and urgent need to close the worldwide learning gap, Mr. Robinson urged American and multinational firms to contribute of their own resources to the accomplishment of that objective.

He said:

I urge every multi-national corporation to adopt a "fair sharing" approach in its foreign operations as is becoming increasingly common in domestic affairs. We accept with only minor grumbling, the cost of insurance protection against fire, earthquake, and other natural calamities. I now propose a "business survival" insurance policy; this to be based on an annual contribution to an educational foundation in each developing nation equal to 1 per cent of the investment in that country . . .

Mr. Speaker, I believe that Mr. Robinson's thoughtful remarks will prove of

considerable interest to my colleagues and I am, therefore, placing them in the CONGRESSIONAL RECORD at this point:

CLOSING THE WORLDWIDE LEARNING GAP: LESSONS FROM BUSINESS INVESTMENTS IN EDUCATION IN DEVELOPING NATIONS (Address by Charles W. Robinson)

Mr. Chairman, ladies and gentlemen, I feel honored to be able to participate in this conference dedicated to the exchange of ideas on "Closing the Worldwide Learning Gap". It has brought together here in San Francisco distinguished representatives of education, government and private enterprise from throughout the world. This evidences the importance which we all attach to this key problem in the elimination of inequities between so-called developed and developing nations.

I have been asked to share with you my views on business responsibility and opportunity in the field of international education. I must confess that I was in a state of shock when I received a copy of the program and found that I was to be the lead off speaker with a subject entitled "Lessons from Business Investments in Education in Developing Nations". This poses a real challenge as it implies that I am to provide you with a solution to a problem which we haven't yet defined. However, I would like to discuss with you some convictions which I have gained from direct exposure to the problem of encouraging education in a developing nation. I do this, however, not to suggest any one solution, but rather in an effort to bring the problem into clearer focus.

There are many ripples on the sea, most of which soon disappear back into the surface; however, every now and then one appears at the right time and it continues to build into a giant swell eventually to crash on a distant shore. The need to encourage and support worldwide education as an essential step in closing the "economic gap" represents just such a ripple—an idea whose time has come. We are at a crossroads where the way in which we deal with the human resources in the developing nations will determine whether we are to be successful in controlling the explosive forces in our world today.

Some of you may recall an advertising campaign conducted by one of our zipper manufacturers some thirty years ago. Each ad contained a photograph of an item of personal clothing improperly secured by the use of buttons. In these ads there was always the question, are you suffering from gnaposis? There was the obvious suggestion that the affliction could be cured by replacing buttons with a zipper.

Today, our world is suffering from a serious case of gnaposis; however, we have a "zipper" in the form of international education which is essential for the ultimate cure.

We are fortunate to have represented in this two-day conference, leaders from the three fields of education, government and business. I say fortunate because I feel that the solution of our problems in international development calls for coordination of effort between these three groups. It's what I might refer to as the new "alliance for progress", if that expression had not come into ill repute.

Others might refer to it as an "unholy alliance" to the extent that representatives of business are involved. For this reason it is appropriate that I confess my personal bias in order that you may place my views in proper perspective. I am President of Marcona Corporation, a multinational company with operations in mining and shipping throughout the world. This has led to deep involvement in both developing and developed nations. I confess to profit motives but with what I view as long range orientation.

icit and surplus countries restore balance in their international accounts. The U.S. and British currency plans drafted during the Second World War provided for far-reaching international control over the economic policies of deficit and surplus countries. But in negotiations before the Bretton Woods Conference of 1944 these provisions were removed because of differences over the relative emphasis on the responsibilities of deficit and surplus countries—and because of the fear that too explicit qualifications of economic sovereignty would prevent approval of any plan by Parliament and Congress.

The Bretton Woods compromise ruled out adjustment by exchange controls or by freely fluctuating exchange rates. But it said very little about how adjustment was to be achieved. The hope was that, with the aid of resources from the International Monetary Fund, deficit and surplus countries could be relied on to correct a "fundamental disequilibrium" within a relatively short time by reasonable domestic policies and by occasional changes in exchange rates. But the system hasn't worked that way.

One way to improve the international adjustment process would be to give international agencies the kind of influence over the economic policies of deficit and surplus countries that was envisaged in the original U.S. and British currency plans. There could be, for example, more regular and systematic consultation among senior government officials so that international adjustment is given greater weight in national policymaking. More progress could also be made in the adjustment of national policies on military spending, foreign aid, and private capital flows to help reduce imbalances of payments. In the years immediately ahead, however, it is unlikely that the adjustment problem will be fully resolved by measures of this kind. Economic sovereignty dies hard. Deficit and surplus countries are reluctant to sacrifice domestic economic objectives for external balance; even when prepared to do so, they do not always have the policy instruments available to get quick results. And there are limits to their willingness to adjust foreign spending in the interest of payments balance.

For these reasons the international community is taking a new look at easing the adjustment problem through greater flexibility in exchange rates. The present "adjustable peg" system of the International Monetary Fund permits changes to take place, but only after the political leaders of a country find them necessary to cure the fundamental disequilibrium. For reasons of prestige or domestic politics, national leaders are frequently reluctant to devalue or revalue a currency; as in the case of the pound sterling and the mark, they tend to postpone changes too long and to make them only after a currency crisis has developed.

In an effort to provide a greater measure of flexibility, the United States and other countries are now exploring an idea known as the "crawling peg," under which a currency could move up or down one or two percentage points a year through a series of tiny changes every week or so. The changes would occur in response to a formula, thus taking the responsibility off the shoulders of political leaders. Another suggestion being studied is to permit exchange rates to fluctuate within a "wider band"—2 per cent on either side of parity rather than the 1 per cent allowed under the present system. Although some have argued that greater exchange flexibility will unsettle the confidence of international traders and investors, a modest combination crawling peg and wider band should appeal to the financial community as a desirable substitute for the present arrangement. After all, a substantial risk of a very small rate change may be preferable to the small (but far from negligible) possibility of a very substantial change that exists at present, particularly if the new sys-

tem makes exchange and trade restrictions less likely and eases the adjustment problem of a troubled world economy.

Various technical, economic, and political questions on the subject are now being studied by the International Monetary Fund. If the study yields a sufficient measure of agreement, the matter will be taken up in the "Group of Ten"—the key financial countries that negotiated the agreement on paper gold. If all goes well, a new plan for greater exchange flexibility could be ready for approval at the annual meeting of the International Monetary Fund in September 1971. Technical as this matter may seem, it could determine whether the United States can balance its international accounts without resorting to harmful trade and payment restrictions or a straight jacket on domestic growth. This is why many (though by no means all) key advisers in the Nixon administration consider the crawling peg the No. 1 priority for international monetary reform.

The fourth area where action is needed is reduction of trade barriers so that the United States can solve payments problems in a climate of trade freedom rather than trade restriction. The challenges to U.S. trade policy have never been greater than today. We have lost our traditional export surplus; key sectors of American industry, such as steel and textiles, are demanding increased protection against a flood of competitive imports. The Common Market continues a protectionist agricultural policy that threatens U.S. farm exports. Our exports of manufactures are also obstructed by a host of non-tariff barriers—for example, tax systems or government purchasing arrangements that discriminate in favor of home production. The refusal of our European trading partners to grant full equality to Japan as a trading partner has forced us to take a disproportionate share of low-cost goods. And little has been done to remove trade restrictions in Europe and the United States on the exports of the less-developed countries.

An appropriate strategy to cope with these challenges will probably have to unfold in two stages. The first stage, covering the next two or three years, should be used for modest but not unimportant action—fighting off protectionist demands, starting an international assault on non-tariff barriers, and adopting "housekeeping" trade legislation to enable us to complete and safeguard the work of the Kennedy Round of tariff renegotiations. The second stage, which could begin in 1971 but is more likely to have to wait until 1973, should involve the launching of a bold new approach to the reduction of trade barriers on a world-wide basis. The best method would be a free-trade treaty calling for annual percentage reductions in industrial tariffs across the board (for example, reductions by 10 per cent a year for ten years) and the complete elimination of non-tariff barriers.

Adoption of such a plan would eliminate or at least reduce the discrimination against American exports resulting from the European Common Market and the European Free Trade Area—a discrimination that could grow to very serious proportions if the two groups merge or make a special trade arrangement without U.S. participation. Moreover, a free-trade treaty could provide for accelerated reductions in trade barriers on behalf of less-developed countries.

The clearing away of barriers to exports and imports, however, will not be sufficient to assure cooperation between governments in support of free trade. Thanks to the growth of multinational companies, the United States now reaches foreign markets more through foreign-based production than through exports. We need to consider new ways of dealing with the problems that arise when, for example, the United States seeks to force on foreign subsidiaries of American corporations U.S. balance-of-payments con-

trols, U.S. concepts of competition, or U.S. regulations on trade with communist countries, or when there is discrimination against such firms by host governments.

At the very least, the General Agreement on Tariffs and Trade (GATT), established in 1947, should be a forum for discussion of such problems, and GATT could be amended to include some general principles in this area. Looking further ahead, we might envisage the registration and supervision of multinational corporations by an international agency. The problem of the multinational corporation can be made more manageable, of course, if these corporations become multinational in fact as well as name—with foreign participation in ownership and management of the parent company as well as in ownership and management of the foreign subsidiary.

These ideas add up to an ambitious agenda for the reshaping of international economic policy. It is far from certain that we will have the wisdom and the will to implement them—to curb our inflation without sliding into depression; to develop a more equitable system of international reserve management; to devise a new arrangement for the timelier adjustment of exchange rates; to negotiate an effective regime of free trade. Yet, we have no choice except to try. At stake is our ability to realize our most valued domestic and international objectives in the years ahead.

THE LAOS-THAILAND AMENDMENT

MR. CHURCH. Mr. President, today's Washington Post contains an editorial commenting upon our vote last Monday which would bar the use of appropriated money to finance the introduction of American ground combat troops into either Laos or Thailand.

The editorial is not only very favorable in its reaction to our vote amending the Defense Department appropriation bill to bar funds for introduction of combat troops into either of these two Asian countries, but also urges the Nixon administration to accept "all reasonable moves in the direction of restoring congressional control over foreign commitments"—including the resolution of the Senator from Maryland (Mr. MATHIAS) which would repeal the Gulf of Tonkin joint resolution.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SENATE BIDS FOR LOST POWER

Once more the Senate has expressed its deep distrust of what has been going on in Southeast Asia. Its 73-17 vote to forbid the use of defense funds "to finance the introduction of American ground combat troops into Laos or Thailand" grew out of fear that the current limited military operations in those countries might escalate into large scale war. That is what happened in Vietnam. The Senate wants to make sure that it will not happen again in Laos or Thailand.

The significance of the action is not changed by the fact that the White House approved the wording of the amendment in advance. It has been obvious ever since Senator Cooper won unanimous approval of a somewhat similar restriction in September that restraints of some kind would be applied. When the Kentucky Senator again pressed his amendment this week, acting through Majority Leader Mansfield because of the illness of his mother, the Senate shied away from his language, which was deemed to be ambiguous. But the bipartisan substi-

late introduced by Senator Church looks in the same direction. Presumably it would leave the military free to bomb access trails used by the North Vietnamese in Laos and to give air support to the Royal Laotian Army. Only American ground combat troops in the two Southeast Asian countries would be forbidden if the conference committee should accept this Senate amendment.

The action on Monday may well contain a clue as to what the Senate will do when the more comprehensive Mathias resolution comes before it, possibly next year. Logically the Mathias resolution should have preceded the Church amendment, for it is designed to wipe out the basis for American intervention in Laos and Thailand while approving the presidential policy of liquidating the war in Vietnam. It is well to remember that the so-called Tonkin Gulf resolution, which Senator Mathias would repeal, is not restricted in its terms to Vietnam. Rather, it puts Congress on record as favoring a free hand for the President in the use of American armed forces "to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom."

Thailand is a member of SEATO. Laos is a protocol state under its terms, although that mercurial country once refused to accept any protection through SEATO. If the Tonkin Gulf resolution is repealed and if a policy of withdrawal from Vietnam is formally approved by Congress, presumably the President would have to go to Congress for authority for any operations by American armed forces in Laos or Thailand not immediately connected with the war.

There are, of course, substantial gray areas that cannot be suddenly wiped out when Congress decides to reclaim its power to control limited wars during the liquidation of such a war. In Laos, for example, the Communists violated the Geneva agreement from the start by giving military aid to the Pathet Lao, and the United States long ago sought to counteract that move by providing equipment and training for the Royal Laotian Army. This cannot be suddenly wiped out without serious losses to the cause of stability in that country. Nevertheless, all reasonable moves in the direction of restoring congressional control over American foreign commitments should be welcomed. The administration would do well to accept the broad policy of the Mathias resolution as assurance to the country that it will not engage in secret and unauthorized military operations anywhere.

NEED TO MAINTAIN OIL IMPORT PROGRAM

Mr. PEARSON. Mr. President, I am deeply disturbed by newspaper stories of yesterday and today to the effect that the Cabinet task force on oil imports has decided to recommend to the President that the present oil import quota system be replaced by a tariff mechanism. I would hope that these press accounts are not accurate and that the task force has not made and will not in the future make a final decision to recommend the abolishment of the mandatory oil import program, because I am firmly convinced that such action would not only be disastrous to a great number of small domestic producers and inland refineries but contrary to the long-range interests of the Nation as a whole.

The present mandatory import control program was initiated by President Eisenhower in 1959 after the voluntary control approach proved inadequate. It was based on the very proper and sensible proposition that such controls were

needed to preserve a healthy domestic petroleum industry for purposes of national security.

Mr. President, it would seem to me that the demands of national security still require a healthy domestic oil and gas industry and that an effective import quota program is necessary to assure the accomplishment of this goal. We must, it seems to me, maintain a ratio between domestic and imported supplies which will enable the domestic industry to meet the essential national demand.

Mr. President, most all agree that there are weaknesses and inequities in the present mandatory oil import control program. But to say as much is not to say that it should be abolished. We need to refine it and to improve it. We should not abolish it.

GOOD CONSERVATION START; NOW LET US FINISH IT

Mr. DOLE. Mr. President, we are hearing much these days in the Halls of Congress about improving the quality of the environment. I agree that solving environmental problems is essential to the future welfare of the Nation.

But all is not bad in this world. Some good things are going on. Everything that is being done in the field of soil and water conservation has a definite bearing on the environment. Much good soil and water conservation work is being done in Kansas and throughout the Nation.

An appraisal of this work in Kansas was made in an editorial published in the Wichita Eagle-Beacon of December 7. It appeared under the headline, "Good Conservation Start—Now Let Us Finish It." I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

GOOD CONSERVATION START—NOW LET US FINISH IT

In the midst of seemingly unsolvable problems, it's good for Americans to take an occasional backward look, to see what happened with problems that loomed up discouragingly years ago.

Back in the 1930s, when Kansas was the center of the dust bowl, and when dust storms blackened the sun and invaded homes, there were many who sincerely believed that Kansas was doomed, that the first explorers were right when they called it "the great desert."

It's refreshing, more than three decades later, to take a look at the state's beautiful countryside and clear skies. The doomsayers were wrong. But it wasn't chance that saved Kansas and other dust bowl states, it was hard and concerted work. That was well brought out when the Kansas Association of Soil Districts held its annual convention here.

Kansas has one of the leading conservation programs in the nation, a federal Soil Conservation official, William B. Davey of Washington, D.C., told the Kansas meeting. It has more miles of terraces and diversions, and more acres of grass waterways than any other state. One-fourth of the national total of stubble mulching of cropland is practiced here. Kansas leads the nation in the proportion of federal cost-sharing assistance devoted to permanent conservation measures. Its progress in small watershed development "has been inspiring."

It's nice to bask in the pleasant thought of

something accomplished, as in Kansas' soil conservation effort. But in America today, there isn't time to bask. There are too many other pressing problems to be solved.

Another speaker to the conservationists, Richard C. Longmire, pointed out that they must look ahead to solving the big conservation problems dealing with non-agricultural usage. With the growing population, there will be more land needed for recreation, homes, schools, transportation and reservoirs. There will be more water used. There will be more need than ever for soil conservation, and for anti-pollution efforts to keep waterways clean and usable.

He urged rural soil conservationists to offer their expertise in leading to a rural-urban cooperative effort to solve these problems. It will take all the people working together, he pointed out, and it's going to take a lot of federal money. Rural conservation was accomplished by federal-state funding. New conservation needs pose a task of even larger proportions, and will demand even greater funding.

It's a good idea. It's certain that if Americans determine to solve their problems of conservation, they can do it.

After all, how long has it been since we've seen a dirty, choking, mile-high dust storm sweep across Kansas?

PERU'S MILITARY REVOLUTION

Mr. CHURCH. Mr. President, over the past 5 days the Washington Post has published a series of articles written by Post foreign correspondent John M. Goshko on the Peruvian military revolution—now 14 months old—which has had such impact on Latin America.

The Post has provided a great service in running this series. Mr. Goshko's articles go far toward dispelling some of the mystery of the Peruvian revolution. He has given us considerable background into the personalities of the generals who made the revolution and a firsthand look at the nationalism—pervading not only Peru, but much of the rest of Latin America as well—which bears such a remarkable resemblance to Nasserism. In addition, these articles dispel some of the myths that surround the Peruvian experiment with revolution, notably the regrettable idea that there is no possibility for this country to work out an accommodation with the Peruvian Government to our mutual best interests.

I ask unanimous consent that the articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

AMERICANS WATCH PERU'S GENERALS

(By John M. Goshko)

LIMA.—Throughout Latin America today one cannot talk to politicians, soldiers, diplomats or intellectuals without hearing a strange new word—"Peruanismo." It means Peruvianism, and it refers to the forces at work in this Andean country since Oct. 1968, when the armed forces overthrew civilian government and replaced it with a military regime under the presidency of Gen. Juan Velasco Alvarado.

Like other Latin military juntas, the Velasco regime immediately proclaimed itself a "revolutionary government" committed to the transformation of Peruvian political, social and economic life. But where other Latin juntas have been proceeded to maintain the status quo, the Velasco government behaved in startlingly different fashion.

Despite the threat of serious economic reprisals from Washington, it began by expropriating the American-owned Interna-

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As a matter of fact, I was the member on the committee who thought that we should provide \$375 million for military assistance, rather than \$350 million. This would allow for any unusual conditions in Korea. However, the majority did not agree with me.

Mr. FULBRIGHT. The Senator is correct. I remember that, and I very much appreciate the fact that the Senator is a cosponsor of the amendment.

The Senator will remember another item that was changed in the last amendment with respect to international military headquarters, so that actually it worked out that the \$31 million that we thought was going to be devoted to paying for our participation in these facilities may now be taken from other funds. So, this item is larger for the purpose of assistance to Korea than we originally thought.

Mr. AIKEN. Mr. President, as a result of some of our decisions on the amounts, the administration will have the 2-year extension it desired.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. JAVITS. Mr. President, I am also a member of the committee and took part in the deliberations. There is the converse of the proposition which should be established. I would not myself wish—and I hope that my chairman would not—to inhibit the Foreign Relations Committee, if in its judgment this was required, from doing what the Appropriations Committee did—based upon a foreign policy judgment or a clash of wills with the administration.

We really have two principles at stake here. One is the principle of authorization by the legislative committee, in which I am all with my chairman. The other is the principle of some independent role by Congress in respect of the foreign policy of the Nation. I would not wish, by anything that the chairman said here, to foreclose us from that privilege.

In this particular case, as the Senator from Vermont (Mr. AIKEN) has said so eloquently, the committee came to the judgment that a purse of money, as it were, for this purpose was the most desirable in our Nation's interest. In another given situation, we might or we might not. I would hope that we would not make this some major policy precedent which would limit our own judgment in respect of what ought to be done as a Foreign Relations Committee.

Mr. FULBRIGHT. The committee has expressed itself on many occasions, as the Senator knows. But when we are dealing with countries which are very sensitive in this area and very jealous, as one knows, whenever the committee felt very strongly about a matter of this kind, it usually dealt with it in a report or in the form of a consultation with the administration, and did not put it into the law.

Over the years—it is not recent—that has been the general practice, and by large I think it has been successful. There may have been some cases in which it was not.

Mr. JAVITS. That is my feeling. But I still would not want to shut the door in

a given case to giving us full legislative authority. I can hardly conceive of how we could do any less. There may be a situation in which, to assert the independent judgment of the committee, we might have to name a country, and I would not want the Senate to feel—for myself—that this would be denied to us by the position we take here.

Mr. FULBRIGHT. In the conference report this year, the Senator well knows we did this in the case of Israel, which is, I would say, an exception to what is generally a good rule.

Mr. JAVITS. I thank my colleague.

Mr. FULBRIGHT. I yield the floor, Mr. President. I am ready to vote.

Mr. HOLLAND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALLEN in the chair). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the order for the quorum be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Laos

THE SECRET WAR

Mr. FULBRIGHT. Mr. President, extensive newspaper stories on American activities in Laos are no substitute for the administration, which formulates and undertakes those activities, making a full disclosure to the American people about a war it has undertaken to fight.

In the first place, newspapermen do not have access to all the facts—they can report what they are told directly, or indirectly through rumors; they can report what they see. The results of reporting efforts—as seriously as they may be undertaken—are oftentimes nowhere near the truth in fact or tone and thus misleading as those of us in public life, written about all the time, should be the first to acknowledge.

Today's Wall Street Journal, in its extensive article about Laos, illustrates my case.

"The war here costs the United States about \$200 million a year," the story says. It is my hope that when the declassified record is released from Monday's executive Senate session it will still contain the amount for Laos in the Defense appropriations bill which you all will recall was many times that figure.

Today's article almost casually relates:

In the past six months, these bombings of (northern Laos not connected to the Vietnam war) have increased at least tenfold. These bombers fly out of Thailand.

Those two simple sentences have great import to the American process. How many sorties come out of Thailand to bomb north Laos? Under what authority are they undertaken? What understandings exist with the Thais to permit this and with the Lao that require them to be secret? Does any President have the right to undertake such activities?

Questions such as these cannot be debated in a newspaper because no newspaper can get the answers. The Senate should debate them and the people should be able to listen for it is their

money and the lives of their sons that are involved.

As bothered as I am about the lack of facts, I am more concerned about the tone of articles such as today's on Laos. The headline reads: "The Secret War, U.S. Role in Laos Is Big. But Another Vietnam Is Not Likely To Develop."

Mr. President, that attitude about Laos, fostered by administration officials who are pressing the secrecy about our activities, shows a complete lack of understanding about the Vietnam war experience.

Have we become so callous about death and war that unless it promises to involve 500,000 of our men and kill 30,000 we can calmly pass it off as under control or in "low profile."

The writer of today's article wrongly cites \$200 million as the yearly cost of the Laos war and then chalks it off cavalierly as "less than America spends on 1 week's fighting in neighboring Vietnam." It is nothing to be concerned about, he implies, as if that \$200 million were not desperately needed in this country for a myriad of Government programs.

I mention this not because I want to attack the writer of the article. I do it because I know this is the attitude of the foreign policy officials in our Government who push our Laos policy with that argument and whose judgment is clouded by the ability to get funds and authority in the shadow of the Vietnam debacle.

Mr. President, in more ways than not Laos has already turned into a Vietnam if you consider the latter a war we undertook where we could not win and fear to lose; if you consider it a war we began at a low level of involvement and failed to comprehend the enemy's ability to escalate in pace with us; if you consider it a war where we have become tools rather than the allies of a regime that could not govern without us; if you consider that there was for a time no limit on the escalation we were willing to undertake; and if you consider it an involvement we never should have undertaken in the first place.

Laos will never become a Vietnam in only one major way—the number of Laotians killed will never equal the number of Vietnamese for there are only 3 million Lao to begin with.

I would suggest, however, that for Americans there is one element of our Laos involvement that makes it worse than Vietnam.

Until now, Laos, because of the official secrecy surrounding it, has offered a precedent to administration planners—military and civilian alike—who feel it their mission to oppose with force of arms what they believe are Communist incursions anywhere in the world whether we have a treaty commitment or not, without recourse to Congress.

It is for that reason that I wish the secrecy policy on Laos to end. In that sense I believe the administration should be talking no more Lao along with no more Vietnams.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the article to which I have referred, written by Mr. Peter R. Kann,

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datelined Vientiane, and published in the Wall Street Journal of December 18.

There being no objection, the article was ordered to be printed in the Record, as follows:

THE SECRET WAR: U.S. ROLE IN LAOS IS BIG, BUT ANOTHER VIETNAM IS NOT LIKELY TO DEVELOP—AMERICA FINANCES AN ARMY, COMMITS NO FIGHTING MEN; U.S. JETS AND PILOTS USED—THE ENEMY: NORTH VIETNAM

(By Peter R. Kann)

VIENTIANE, LAOS.—Gen. Vang Pao is a cocky little former sergeant in the French army who now heads a clandestine, U.S.-backed army of mountain tribesmen here. Resplendent in a fancy field uniform and bedecked by so many medals that he almost appears armor-plated, he sits for an interview.

Are U.S. jets bombing in Laos? he is asked. No, he says, though his voice is periodically drowned out by U.S. jets flying overhead. Are his troops armed with U.S.-made M-16 rifles? he is asked. No, he says, though the very men guarding him are carrying M-16s. Are U.S. helicopters supporting his war effort? he is asked. No, he says, though he boards a U.S. chopper after concluding the interview.

The interview says much of life in Laos. This Southeast Asian country is a comic-opera kingdom playing host to a tragedy. Given their choice, the three million Laotian people would prefer to dose under a parasol, much like the three-headed elephant emblazoned on their national flag. But they are involved in a war, a war that has been largely imported by outside powers who won't even admit to being at war.

The war periodically makes headlines in America, as it has this month. The Senate Monday decreed that no money in a big new defense appropriations bill can be used to finance introduction of American ground combat troops into Laos or Thailand, a stand endorsed by President Nixon. The President, asked at a press conference last week about the U.S. role in Laos and "the people are entitled to know everything that they possibly can"—and then he said little.

ANOTHER VIETNAM UNLIKELY

Just what is going on here? There is a war. The U.S. is deeply involved. But another Vietnam is unlikely. The war here is like a secondary act in a three-ring circus, with Vietnam, of course, in the center ring. This lesser war is less costly, less fierce and less interesting than the main act. But it's worth glancing at now and then.

The war here costs the U.S. about \$200 million a year, which is less than America spends on one week's fighting in neighboring Vietnam. It is being fought in the air and on the ground. The air war is being carried out by U.S. planes and U.S. pilots, who are bombing the North Vietnamese supply route into South Vietnam. This President Nixon admits publicly. U.S. pilots also are bombing areas in the rest of Laos, and this President Nixon doesn't admit publicly. In the past six months, these bombings of other areas have increased at least tenfold. These bombers fly out of Thailand.

The ground war is not being fought by U.S. troops, and sources say it is inconceivable that U.S. combat soldiers will ever be sent here. Rather, the ground war is being fought by the Armee Clandestine, or AC, the Meo mountain tribesmen under the command of Gen. Vang Pao. This army, estimated at anywhere from 15,000 to 40,000 soldiers, is fully financed by the U.S., though only a few hundred U.S. military "attaches" and CIA agents are on hand to oversee the operation. (The discrepancy in troop estimates is typical of the shadowy nature of the war in Laos.) The U.S. pays, trains and equips the AC; it provides the AC with

helicopter mobility and tactical bombing support.

Americans plan and direct operations—at least at staff level. The army is hard-fighting, especially by Laotian standards, and it has suffered heavy casualties. In the past year alone, 11% of its men have been killed or wounded.

THE ENEMY: NORTH VIETNAM

The enemy here is the North Vietnamese. The Laotian Community Party (Neo Lak Hak Sat) and its fighting arm, the Pathet Lao, have been waging a "liberation war" ever since Laos achieved its independence in 1954 after the defeat of the French at Dienbienphu. But these days the Pathet Lao are supported—indeed, very nearly supplanted by the North Vietnamese. By U.S. estimate, there now are 50,000 North Vietnamese Army (NVA) troops here, 35,000 of them in combat units.

The Laotian war is inextricably wound up with the war in Vietnam, yet the two situations are almost reverse images in several key respects. In Vietnam, the war is being fought largely for control of population; here the war is being waged mainly for territory. In Vietnam, the U.S. often finds itself fighting a conventional war against the enemy's guerrillas; here the U.S.-backed troops are the guerrillas and the North Vietnamese often find themselves fighting a conventional war, much to their discomfort.

Diplomats here say neither side is close to holding a winning hand in this war, and many of them question whether either side really wants to "win." Hanoi is generally considered to be using Laos just as a pawn in its efforts to achieve a favorable outcome in South Vietnam. The U.S., not really concerned about "winning hearts and minds" or "nation building" or even wiping out the Pathet Lao, rather seems to be waging a defensive or delaying action aimed at stymieing North Vietnamese moves here until such time as peace is achieved in Vietnam. Peace in Laos will then naturally follow, these diplomats assert.

NO LONG-TERM COMMITMENT

Since the U.S. doesn't admit its military involvement here, it can hardly brag about any successes. But, in the view of a number of non-U.S. diplomats here, the American involvement has paid reasonable dividends at a bargain price.

The U.S. has proved capable of organizing a guerrilla army that is more at home in Laotian terrain than are the North Vietnamese, these diplomats say. U.S. air power, they add, has proved effective against enemy troops and positions, such as on the Plaine des Jarres, a strategic high plateau that had been in Communist hands from 1964 until bombing raids in August. And, say defenders of U.S. action here, there is no long-term commitment to involvement in the fighting here.

The U.S. campaign is being carried out precisely the way a counter-insurgency war should be fought, say these defenders (not all of whom are Americans). The U.S., they assert, should continue to do exactly what it is doing until Hanoi decides to talk instead of fight.

But, at the moment, nobody is really winning and nobody is losing here—except, of course, the Laotians, a charming, gentle people who deserve, but perhaps don't expect, better. There are no reliable statistics on anything in Laos, but it's estimated that up to half a million people have become war refugees since 1962. Hardest hit have been the mountain tribesmen of the north, many of whom now subsist on bags of rice dropped from U.S. planes.

The Laotians, whose country has been a battleground for years, are a peace-loving people. "The Laotians just aren't warlike. Their idea of war is avoiding, not seeking contact," says one European diplomat. The

Royal Laotian army, says one Western military officer, "is without a doubt the worst army I have ever seen—it makes the South Vietnamese army look like Storm Troopers."

The Royal Laotian army is a hodgepodge of rightists, neutralists and simple opportunists that has been fighting the Pathet Lao off and on since Dienbienphu. The fighting has continued despite the Geneva accord of 1962, which was reached after the Royal Laotian government had come even closer than usual to total collapse. The accord called for a neutralized Laos under a tripartite regime led by a largely figurehead king and a neutralist prime minister. The agreement also called for removal of all foreign military forces from Laos.

A POOLSIDE ASSESSMENT

The Royal Laotian army and the Pathet Lao continue to fight, though the war now has been largely taken over by the North Vietnamese and the U.S.-backed army of tribesmen. Laotian men are in short supply and the two ragtag armies contain youths as young as 13 years old. The manpower shortage is such that defectors from the Pathet Lao sometimes are simply issued new scraps of uniforms and immediately assigned to a Royal Laotian army unit.

The Laotians seem content to accept their lot. The men in the Royal Laotian army earn 2,350 kip, or less than \$6 a month. The Pathet Lao conscripts earn even less and often wind up little more than beasts of burden, packing supplies for the North Vietnamese troops here. (The mountain tribesmen in the U.S.-backed Armee Clandestine make considerably more than the men in either local army.)

"The Lao are a very easy people. They work, remain poor, accept it and are happy. In other countries, they would strike or revolt, but not here. We are lucky they are Laotians," one cynical Laotian general says of his countrymen as he sips Scotch beside the swimming pool of his villa on the outskirts of Vientiane.

There seems to be remarkably little awareness of social injustice among most Laotians, perhaps because the poor here have always been poor and have not yet approached the stage of "rising expectations." Laos, roughly the size of Oregon and the shape of California, remains basically a feudal country run by a score of elite families who divvy up the most important and lucrative government jobs and business concessions.

This elite doesn't want to share its riches. The king, for example, refused to let workers from the American Agency for International Development resettle hapless war refugees on unused royal lands until the Americans promised to build roads to one of the royal family's private, profit-making timber concessions.

AN ANTI-CORRUPTION "DRIVE"

The Laotian government barely exists, much less functions, outside the larger towns. The occasional programs or policies launched by the central government generally sink without a trace. One European diplomat recounts a recent anticorruption drive: "They sacked three postal employees, who were promptly resettled in another ministry. End of drive."

Prince Souvanna Phouma, the neutralist prime minister, earlier this year announced plans for a dynamic new neutralist political party. But, says one diplomat here, "it emerged for a few weeks as a debating club and then disbanded." There is an annual effort at military reform: "Once a year, some rich old colonels, who used to be bright young colonels, present a sweeping reform plan which is accepted, ignored and forgotten. And everyone is happy," says a Westerner here.

There are Americans and others here who believe that the lackadaisical Laotian government is living on borrowed time. Someday, they say, if not in a year then in a decade, the lamb-like Laotians will demand a better

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deal from life, and when that happens the Pathet Lao will be the beneficiaries.

Few observers here doubt that if the Laotians were left alone they somehow could settle their differences, at least for a time. On the face of it, peace in Laos should be far easier to achieve than peace in Vietnam. Animosities between Communists and anti-Communists in Laos are not nearly as intense as in Vietnam.

The Laotian king is accepted as titular head of the country by all contending groups. The Geneva settlement of 1962 is still basically acceptable to the Communists. Souvanna Phouma, the aristocratic and autocratic prime minister around whom the Geneva accord was shaped, probably could again make himself acceptable to the Communists by some subtle political maneuvering. (He has deftly managed to survive a series of plots, counterplots and coups among various rightist and neutralist factions since he came to power, though once an American ambassador had to rescue him from an outpost where he had been unceremoniously confined by disident generals.) Indeed, in name at least, a coalition government, including Communist ministers, still exists here.

A MAJOR BATTLE IS EXPECTED

And yet fighting continues here—and at a quickened pace. It is the dry season here now, which is the fighting season, and there is talk that within the next few months the North Vietnamese will launch a major attack against the U.S.-backed Armee Clandestine. The attack, if it comes, will be as much for political as for military reasons, sources say. The Armee Clandestine is the only effective anti-Communist force in Laos, and the propaganda value of its defeat would outweigh the military value.

The consensus among diplomats here is that if Hanoi decided on a full-scale effort to take over Laos, using several crack divisions of the North Vietnamese Army, the effort probably would succeed. "If they're willing to put in the resources they can take anything they want in this country—or all of it," says a senior U.S. official.

There are many theories on how the U.S. would react to such an attack, but no one suggests that Washington would send in ground combat troops. Most sources doubt that Hanoi will try to overrun the country, however. For one thing, the North Vietnamese would have to divert heavy assets from the more important war in Vietnam. For another, the North Vietnamese are outsiders here and could hardly look like anything but an army of foreign conquerors if they marched, say, into Vientiane.

HANOI'S POSITION

Hanoi has made some gains in fighting here. Last March at least 10 NVA battalions were used to capture the relatively (for Laos) important military center of Muong Soui, in north central Laos. This was widely viewed as military escalation.

But Hanoi cannot be entirely pleased with its current role in Laos. To influence the future political shape of Laos (when the time comes to form a new coalition government), the Communists must take and occupy territory. This requires main-force units, not guerrilla fighters. To jolt the U.S. position in the fighting in Vietnam or the talking in Paris, the Communists need dramatic victories like Muong Soui. This also requires main-force units.

But North Vietnam is finding it difficult to move these soldiers and their supplies. To move rice and arms and men, the NVA must depend on the few roads that twist through the rugged mountains. To mount major military campaigns, the NVA must use as staging areas the few easily traversible plateaus like the Plaine des Jarres. But roads and flatlands are vulnerable to U.S. air power.

As the fighting drags on, the unfortunate Laotian people try to get by as best as possible. They can't really ignore the war. Their plight may best be summed up by the monumental arch that bestrides the main avenue of otherwise unmemorable Vientiane.

Begun nearly a decade ago, the arch has grown in tiers, like some whimsical wedding cake, encompassing the wildest fancies of waves of Laotian artisans and swallowing up tons of U.S.-donated cement destined for more practical projects. This rococo masterpiece, replete with every imaginable architectural superfluity, remains, of course, unfinished.

But its name was changed recently—from Monument to Victory to Monument for the Dead.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 14794) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1970, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. BOLAND, Mr. McFALL, Mr. YATES, Mr. MAHON, Mr. MINSHALL, Mr. CONTE, and Mr. BOW, were appointed managers on the part of the House at the conference.

FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATIONS, 1970

The Senate continued with the consideration of the bill (H.R. 15149) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1970, and for other purposes.

Mr. DODD. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. FULBRIGHT. I would like the yeas and nays ordered.

Mr. DODD. Mr. President, in view of the statement by the Senator from Arkansas that he desires to have the yeas and nays, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. DODD. Mr. President, I strongly oppose the pending amendment.

I believe it would be interpreted as an unfriendly attitude on the part of the Senate if we strike from the appropriation bill the item earmarking \$50 million for military aid to South Korea.

There is overwhelming justification for this appropriation.

First, there is the fact that the North Korean Communist government main-

tains a massive military establishment and that it continues to engage in numerous provocative and warlike actions directed against the Republic of South Korea and against the U.N. forces there.

The warning signs have been out for some time now. Within the past 2 years there has been the seizure of the *Pueblo*, the attempted assassination of President Park, the shooting down of an unarmed American plane 100 miles at sea and, within the past week, the hijacking of a South Korean passenger plane.

Second, there is the fact that, despite the grave peril on their own frontiers, our South Korean allies have contributed 50,000 men to the Vietnam war. These forces have borne themselves with remarkable effectiveness and courage, and they have carried a heavy share of the battle. Moreover, on a per capita basis, the South Korean contribution in manpower substantially exceeds our own.

Third, there is the fact that the authorization reported by the Senate-House conferees is already \$75 million below the figure requested by the administration, as essential to our national security interests.

Mr. President, if this amendment carries, it will seriously undercut our entire position in the Far East.

It would be an affront to our South Korean allies.

It would directly increase the danger of war in Korea by encouraging Kim Il Sung, the mad Communist dictator of North Korea, to believe that we are ready to abandon our South Korean allies.

Mr. President, I am very reluctant to get into this discussion. I wish it had never taken place.

What the Senator from Arkansas has said about leaving the allocation of military aid funds to the discretion of the President makes a great deal of sense. It may be better in most cases to do it in that way, rather than on a country by country basis. I am sure the President would exercise his great care and caution in allocating such aid.

What troubles me is that this discussion is going to be interpreted, particularly in the Far East, as a lack of sympathy on the part of the Senate with the problems of South Korea.

I hope I am mistaken about that, but I fear I am not. For that reason, I think we are in a most unfortunate posture.

South Korea has been our ally, has fought with us on her own territory, and she is fighting with us in Vietnam. These facts alone, I think, make many of us feel a special concern for that little country in the Far East.

My own view is that one of the worst things that could happen to us would be the belief—on the part of the Asians, in particular—that there is a lack of sympathy in the United States for the Government of South Korea.

I am fearful that if this amendment is adopted, that is exactly what will happen.

I do not know why the administration asked for this item. I assume it did.

If I may have the attention of the Senator from Arkansas, I should like to ask him a question.

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The PRESIDING OFFICER. The Senator from Connecticut wishes to ask a question of the Senator from Arkansas.

Mr. DODD. I do not know and I wish the Senator could tell me if the administration asked for this item?

Mr. FULBRIGHT. This item was not. There is a very substantial sum already in the bill.

Mr. DODD. I know that.

Mr. FULBRIGHT. There is a very substantial sum already in the bill that they recommended. This was put in by the House Appropriations Committee without any budget request.

Mr. DODD. I thank the Senator for that information.

Mr. FULBRIGHT. There is nothing in the report to justify it.

Mr. DODD. I understand that. I do not know how it got there.

I hope the Senator will give me his reaction to what I have said.

I feel that the people in the Far Eastern area will say that this is a change and that we are unsympathetic to the plight of those people.

Mr. FULBRIGHT. I do not think there is any basis for that.

Mr. DODD. I do not imply that the Senator is unsympathetic to the Koreans. I do not know any Senator who is. But I am afraid that will be the interpretation placed on the Senator's amendment, and that our enemies will make a lot of it.

They will taunt our South Korean allies and say, "There are your American friends. They obviously do not consider you very important. As soon as they can dump you, they will do so."

It would be a tremendous propaganda boon for our enemies. I hope I am wrong, but I am dreadfully afraid that it would be exploited by them and encourage them to rash action. For that reason, I wish we could somehow deal with this matter without this kind of an amendment.

Mr. President, I have said everything I can say about this matter. I know that the chairman of the Committee on Foreign Relations said it is not his purpose, and I am sure it is not, to prohibit further military aid to South Korea. He said that, in recommending a total authorization of \$350 million in military aid, the administration wants that amount of money in Korea to dispose of as it sees fit.

This may be true in a formal sense. But I say again for the record, and I hope for the interest of Senators, that if this amendment is agreed to it could have a profound political impact.

Instead of underscoring our determination to help South Korea defend itself against North Korean Communist aggression, this amendment might suggest to North Korea that we are growing indifferent to the fate of South Korea; and the North Korean Communists, in consequence, would probably become more belligerent in their attitude toward South Korea, hijack more planes, sink more ships, and shoot down more planes.

This is my great fear. For that reason I think it would be a dreadful mistake to agree to the proposed amendment at this critical juncture.

Since the amendment already approved makes it essential that the figures in the appropriation bill conform with those agreed to by the authorization conferees, there is no economy of any kind to be effected by approving the pending amendment.

The only real purpose accomplished by this act would be political. It would be anti-South Korean, and it would be so interpreted by our friends and by our enemies.

I urge the defeat of the amendment. The brave South Korean people, who have suffered so much for their own freedom and who have fought so courageously on our side, deserve better than this.

Mr. MILLER. Mr. President, I rise in opposition to the amendment.

It was my privilege to visit the Republic of South Korea in 1966 and, again, in November of 1969. On both occasions I had an opportunity to see with my own eyes the equipment being used by the military services of the Republic of South Korea and also to be informed by our own intelligence sources of the nature of the military threat posed by the North Korean Communists.

Also, as all of us should know, the North Korean leaders are among the most hostile and aggressive Communists in the world. Not a week goes by without an incident provoked by North Korea—either around the DMZ or along the shores of South Korea, and many of these incidents have resulted in the death of our own American soldiers and of our South Korean allies.

The situation has grown increasingly hostile and dangerous, particularly because the North Korean military forces are equipped with the latest in weapons and aircraft. For South Korea to continue to avoid attack—or, to put it another way—for North Korean leaders to be deterred from making a miscalculation and launching an attack, the Republic of South Korea simply must have military equipment equal in quality to that of North Korea. That is what the point at issue is all about.

And it comes down to this. If the Senate wishes to run an increasing risk of war—of attack by North Korea on our ally, South Korea, then vote for this amendment. If the Senate does not wish to do so, then vote down the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arkansas.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote take place on the pending amendment not later than 5 minutes from now.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on any further amendments, if there are any further amendments, there be a time limitation of 30 minutes, to be equally divided between the sponsor of the amendment and the manager of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. FONG. Mr. President, the manager of the bill, the Senator from Wyoming (Mr. McGEE), probably would like to

speak. May he be given as much time as he wishes to speak?

Mr. MANSFIELD. On the pending amendment?

Mr. FONG. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FONG. Mr. President, in South Korea we have a very reliable, strong, and dependable ally. She has sent 40,000 troops to Vietnam. She is also willing to have America store nuclear weapons there when we remove them from Okinawa. She has in every respect been a very strong ally of the United States.

Although the administration did not ask for this item it has come to us and it has been reported favorably from the committee. I think we should not delete it. If we delete it, it would suggest to South Korea that maybe she is not the strong ally we think she is. I ask Senators to vote against the amendment.

The PRESIDING OFFICER. Does the Senator from Wyoming desire to speak on the amendment?

Mr. McGEE. How much time is remaining?

The PRESIDING OFFICER. Unanimous consent was given that the vote take place not later than 5 minutes from that time, which was approximately a minute and a half ago, except that permission was given for the Senator from Wyoming to speak.

Mr. McGEE. Mr. President, I have no extensive remarks to make. I intend to oppose the amendment for the very reason I think the need in South Korea for these additional funds has been clearly demonstrated. The Department of Defense made it very clear that the funds would be put to good and constructive use, and inasmuch as the House Committee on Appropriations as well as the House authorizing committee had included these funds in the original sum that this body would be well advised to stand by these allies.

Therefore, I oppose the pending amendment.

Mr. CANNON. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. CANNON. Mr. President, I wish to ask the Senator if it is not a fact that to strike out this provision, as the amendment suggests now, would certainly be a clear indication that we do not intend to support South Korea which has really been our strongest ally in the Far East.

Mr. McGEE. The Senator is exactly right and it comes at a very critical moment when all kinds of pressures are being exerted to try to split or create defects in the ranks. I think it is important.

Mr. CANNON. We are doing everything to help them up on the border and, in turn, they are helping us in South Vietnam by providing troops. They provide the only substantial number of troops beside our own that are in Vietnam, outside of the South Vietnamese. I think it would be unfortunate if we took this precipitate action now to strike an apparent assist to South Korea from the bill because it could be misinterpreted as a departure from assisting a country that has been a great ally.

ruling prevail because the Court's constitutionally based mandate is the higher authority. To avoid this problem I believe that those sections of the Whitten amendments pertaining to freedom of choice should be modified to prevent the possible conflict, and I would support a reasonable modification.

I am not altogether sure, however, that the amendment offered by the distinguished senior Senator from Pennsylvania (Mr. SCOTT) is the proper approach. As several Senators have stated, if the phrase "except as required by the Constitution" is added to this statute, then there is no apparent reason why it should not be added in every case. Clearly the Constitution is the higher authority and we cannot amend or infringe upon the Constitution in any congressional act. In addition, the amendment offered by Senator SCOTT goes further than is required in applying not only to freedom-of-choice plans but also to the remaining language in the Whitten amendments concerning busing and the abolishing of schools.

For these reasons I shall vote against the amendment offered by Senator SCOTT.

Mr. ALLEN. Mr. President, the distinguished junior Senator from South Carolina (Mr. HOLLINGS), is absent from the Senate today because of illness.

He has prepared a statement with respect to sections 408 and 409 of H.R. 13111 that he would have made today before a vote was taken on the Scott amendment to those sections.

I ask unanimous consent that Senator HOLLINGS statement be inserted in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Mr. HOLLINGS. Mr. President, I would oppose any change in the Health, Education and Welfare appropriation bill as it relates to Section 408 and 409 on the issue of forcing any school district to take any actions involving the busing of students, the abolishment of any school or the assignment of students to a particular school as a condition precedent to obtaining Federal funds. As the bill now reads, the individual school districts of our nation are free to develop their education programs in the interest of quality education and the best economics within a framework of constitutional safeguards. That policy should be maintained and I would, therefore, oppose any change that would work economic hardships for no constructive educational purpose. No one opposes the premise that our government should seek to insure quality educational opportunities for our youth but I would hope that no one would use education as a tool to force issues that are not needed and are in no way constitutionally required.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment of the Senator from Pennsylvania. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JACKSON (when his name was called). On this vote I have a pair with the Senator from Georgia (Mr. RUSSELL). If he were present and voting, he would vote "nay"; if I were at liberty to vote,

I would vote "yea." Therefore, I withdraw my vote.

The rollcall was concluded.

Mr. RANDOLPH (after having voted in the affirmative). On this vote, I have a pair with the Senator from South Carolina (Mr. HOLLINGS). If he were present and voting, he would vote "nay"; if I were at liberty to vote, I would vote "yea." Therefore, I withdraw my vote.

Mr. MAGNUSON (after having voted in the negative). On this vote, I have a pair with the Senator from Hawaii (Mr. INOUE). If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." Therefore, I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Georgia (Mr. RUSSELL), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Missouri (Mr. SYMINGTON) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Kentucky (Mr. COOPER) is absent because of illness in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The result was announced—yeas 52, nays 37, as follows:

[No. 247 Leg.]

YEAS—52

Aiken	Harris	Packwood
Bayh	Hart	Pastore
Bellmon	Hartke	Pearson
Boggs	Hatfield	Pell
Brooke	Hughes	Percy
Burdick	Javits	Prouty
Case	Mansfield	Proxmire
Church	Mathias	Ribicoff
Cook	McCarthy	Saxbe
Cranston	McGee	Schweiker
Dodd	McGovern	Scott
Dole	McIntyre	Stevens
Dominick	Metcalf	Tydings
Eagleton	Mondale	Williams, N.J.
Fong	Montoya	Yarborough
Goodell	Moss	Young, Ohio
Gravel	Muskie	
Griffin	Nelson	

NAYS—37

Allen	Fannin	Murphy
Allott	Fulbright	Smith, Maine
Baker	Goldwater	Smith, Ill.
Bennett	Gore	Sparkman
Bible	Gurney	Spong
Byrd, Va.	Hansen	Stennis
Byrd, W. Va.	Holland	Talmadge
Cannon	Hruska	Thurmond
Cotton	Jordan, N.C.	Tower
Curtis	Jordan, Idaho	Williams, Del.
Eastland	Long	Young, N. Dak.
Ellender	McClellan	
Ervin	Miller	

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—3

Jackson, for.
Randolph, for.
Magnuson, against.

NOT VOTING—8

Anderson	Inouye	Russell
Cooper	Kennedy	Symington
Hollings	Mundt	

So Mr. SCOTT's amendment was agreed to.

Mr. SCOTT. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PASTORE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SCOTT. Mr. President, now the Senate has made its position clear regarding the constitutional limitations of the Whitten amendment. And we have gone so far as to specify the language which fits those constitutional limitations. The next step will be taken in the conference committee.

Mr. President, it is my earnest hope that the Senate conferees will stand firm in upholding the language of these provisions in the conference.

We have labored hard here to achieve provisions which state the clear intent of the Congress without turning our backs on the requirements of the constitution. I trust that these hours of labor have not been in vain.

Indeed, if the conference committee fails to sustain the Senate position on these amendments, and accedes to the earlier language or an approximation of it, I may be compelled to ask the Senate to vote its refusal to concur in the conference agreements. Such a request would be painful, the more so because of the lateness of the legislative year, but it would be painful, too, to have such an important Senate vote as the one just concluded, be nullified in conference.

LAOS

Mr. MANSFIELD. Mr. President, on Monday, there was an exchange between the distinguished Senator from Arkansas (Mr. FULBRIGHT) and me relative to whether the kingdom of Laos had renounced its adherence to the Southeastern Asia Treaty Organization, otherwise known as SEATO.

I indicated that I thought only Cambodia had stated it would not be under the SEATO umbrella and that Laos was still in that category.

Under the corollary to the SEATO agreement at Manila in 1953, I find that I was wrong and that the distinguished chairman of the Foreign Relations Committee was right and that in the Neutrality Agreement Laos did declare its intention to not recognize the protection of any alliance or military coalition including SEATO.

Mr. President, I ask unanimous consent that the Declaration on the Neutrality of Laos be printed in the RECORD.

There being no objection, the document was ordered to be printed in the RECORD, as follows:

DECLARATION ON THE NEUTRALITY OF LAOS

The Governments of the Union of Burma, the Kingdom of Cambodia, Canada, the People's Republic of China, the Democratic Republic of Viet-Nam, the Republic of France, the Republic of India, the Polish People's Republic, the Republic of Viet-Nam, the Kingdom of Thailand, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America, whose representatives took part in the International Conference on the Settlement of the Laotian Question, 1961-62;

structively perpetuate this artificial division in our public schools?

Schools are designed to educate, to prepare young people for the world which will face them as adults. An education which is ethnocentric, in this day and age, is an irrelevancy and an anachronism. It matters not whether the group being taught is black or white, whether the school is a one-room structure or a multimillion-dollar edifice, whether science consists of cutting up worms or using an 80-inch telescope, the heart of that educational system, which is to broaden the horizons of youth and give to young people the experience of questioning and challenging and finding answers for themselves to the puzzles and the people which surround them—that heart, Mr. President, has been lost.

I have heard it argued that school desegregation is unnecessary because no one has "proved" that a black child sitting next to a white child gets a better education. Of course, the scientific "proof" is not available. No one has studied the relative learning capacities of students in mixed schools, as opposed to all-white or all-black schools, over a long enough period of time. No one has been able to compare the development of learning skills in a well-equipped as opposed to a poorly equipped institution over a sufficient length of time, either. And for anyone who has tried to make generalizations, there are always the exceptions which disprove the rule.

But I submit, Mr. President, that the evidence we need is all around us. It is in the high dropout and unemployment rates of Negro youths in the ghettos, where perhaps the worst education in the country is systemically dispensed. It is in the low literacy rates—and even illiteracy rates—of black and Spanish-American youngsters. It is in the lower earning capacity of Negroes and Mexican Americans. It is in the lack of understanding, exhibited in appalling amounts by persons of both races, which presently divides this Nation. The root of the problem should be clear. Americans simply do not understand each other. And they will not understand each other as long as 92 percent of the black children in Mississippi are assigned to schools which are 99- or 100-percent black; or as long as 35 percent of the white children in New Jersey attend schools which have a similar percentage of white enrollment.

Mr. President, given conditions in this country and the world, I regret deeply any weakening of the guidelines established by the Department of Health, Education, and Welfare for the enforcement of equal educational opportunities. I want to see the so-called Whitten amendments stricken entirely from the bill, and from the memory of all Americans. Even more, I want to see the day when legislation to enforce equal opportunities is no longer necessary, when Americans will of their accord see the injustice and inadequacies inherent in separation, and will take steps to overcome this unequal practice.

But the choice before us today is whether to retain the original language narrowly passed by the House of Representatives, or to adopt a modification

thereof which would allow to the Department of Health, Education, and Welfare some of the flexibility it presently enjoys. We still have a long way to go if we are to end deliberate segregation in America and achieve a more rational use of our educational resources.

But I believe that the substitute language will better enable this Government to fulfill its promise to the youngest generation of Americans, and to the future of America as well. I strongly urge its adoption.

Mr. BAKER. Mr. President, in 1954 in a unanimous 9 to 0 decision the Supreme Court of the United States ruled that separate school systems are inherently unequal and in violation of the equal protection clause of the Constitution. Realizing the widespread disruption and massive administrative problems that were bound to occur, the High Court subsequently declared that in implementing this decision the courts and school districts throughout the country were to proceed with all deliberate speed. In November 1969, 15 years later, the Supreme Court ruled that the time for all deliberate speed had elapsed and that school districts must desegregate and desegregate now.

Before discussing briefly my views on the Whitten amendments, I would like to make a few general remarks. First, I am hopeful that in light of the Supreme Court ruling in November and the final action of the Congress in these amendments, school districts in the State of Tennessee and elsewhere will take action to resolve equitably the problems that still exist. For over a decade we have witnessed a continuing series of disputes in the courts, with the administrative branch of our Government, and, occasionally, in the streets. My most serious regret is the considerable amount of disruption that has occurred to the school systems that have been involved. I do not believe that this accrues to the educational benefit of any child, white or black. For this reason I am hopeful that all school districts in Tennessee and elsewhere will be able to get about the more important business of educating our children. I know that the problems are still difficult, but it can be done.

My second point of a general nature concerns the decisions of the Supreme Court in this area. We believe in a system of law and in the enforcement of the laws of our land. Rulings of the Supreme Court, adopted pursuant to the Court's interpretation of the Constitution, are the law of the land, and they must be enforced accordingly. A decision based on the Constitution must be administered even though many may differ with the decision the Court has reached. To fail to pursue this course of action would result in the breakdown of our entire system and would violate the most fundamental principles upon which our Constitution is based.

Third, regardless of what the law is in this area, I believe that it should be enforced in an even-handed manner in the North and South alike. I object to rigid enforcement in the Southern State while at the same time de facto segregation is permitted to go unchallenged throughout the northern areas of our country.

The Whitten amendments directly relate to the desegregation problem and involve the use of freedom-of-choice plans and the busing of school children. The Congress has considered these matters on earlier occasions and has in at least two previous statutes distinguished between ending segregation through assignment of students without regard to race and any attempt to bring about artificial integration. These statutory provisions state that desegregation does not mean the assignment of students to public schools in order to overcome racial imbalance.

The existence statutes do not empower any Department of Health, Education, and Welfare official or any court to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils from one school to another in order to achieve such balance or by forcing a student to go to a school against the wishes of his or her parents in order to achieve such balance. Stated more simply, the statutes have provided that Federal school funds must be withheld if a school system refuses to desegregate its school system but must not be withheld to achieve a racial balance.

I have previously voiced my views on the matter of busing schoolchildren and on this point I support the Whitten amendments without reservation. I do not believe that children should be bused past schools in the proximity of their homes for any reason. I do not believe that Federal funds should be withheld to force the busing of schoolchildren; conversely, neither do I believe in the busing of children to avoid the desegregation of a school system. Rather, I believe that on this matter of desegregation the Federal Government should require only that school district lines be drawn fairly, reasonably, compactly, and without regard to race and that all schoolchildren should, insofar as practicable, attend the school closest to their homes.

Those sections of the Whitten amendments concerning freedom-of-choice plans present a more difficult problem. These plans permit parents to send their children to whatever school the parents select. In its interpretation of existing statutory provisions and the equal protection clause of the Constitution, the Supreme Court has struck down freedom-of-choice plans when they are used as a subterfuge to avoid desegregation. Presumably any freedom-of-choice plan that legitimately achieves the objective of desegregation and terminates the existence of a dual school system would, under Supreme Court rulings, be valid.

The effect of these sections of the Whitten amendments, as I understand them, would result in the imposition of a double standard in some instances. On the one hand would be the Supreme Court decision holding that those freedom-of-choice plans that do not result in desegregation are constitutionally invalid. On the other hand would be the congressional act providing that all freedom-of-choice plans, presumably including those that do not result in desegregation, are valid. This would result in a dilemma for the Department of Health, Education, and Welfare and would require, I believe, that the Supreme Court

Welcoming the presentation of the statement of neutrality by the Royal Government of Laos of July 9, 1962, and taking note of this statement, which is, with the concurrence of the Royal Government of Laos, incorporated in the present Declaration as an integral part thereof, and the text of which is as follows:

"The Royal Government of Laos,
"Being resolved to follow the path of peace and neutrality in conformity with the interests and aspirations of the Laotian people, as well as the principles of the Joint Communiqué of Zurich dated June 22, 1961, and of the Geneva Agreements of 1954 in order to build a peaceful, neutral, independent, democratic, unified and prosperous Laos,
"Solemnly declares that:

"(1) It will resolutely apply the five principles of peaceful co-existence in foreign relations, and will develop friendly relations and establish diplomatic relations with all countries, the neighboring countries first and foremost, on the basis of equality and of respect for the independence and sovereignty of Laos;

"(2) It is the will of the Laotian people to protect and ensure respect for the sovereignty, independence, neutrality, unity, and territorial integrity of Laos;

"(3) It will not resort to the use or threat of force in any way which might impair the peace of other countries, and will not interfere in the internal affairs of other countries;

"(4) It will not enter into any military alliance or into any agreement, whether military or otherwise, which is inconsistent with the neutrality of the Kingdom of Laos; it will not allow the establishment of any foreign military base on Laotian territory, nor allow any country to use Laotian territory for military purposes or for the purposes of interference in the internal affairs of other countries, nor recognise the protection of any alliance or military coalition, including SEATO.

"(5) It will not allow any foreign interference in the internal affairs of the Kingdom of Laos in any form whatsoever;

"(6) Subject to the provisions of Article 5 of the Protocol, it will require the withdrawal from Laos of all foreign troops and military personnel, and will not allow any foreign troops or military personnel to be introduced into Laos;

"(7) It will accept direct and unconditional aid from all countries that wish to help the Kingdom of Laos build up an independent and autonomous national economy on the basis of respect for the sovereignty of Laos;

"(8) It will respect the treaties and agreements signed in conformity with the interests of the Laotian people and of the policy of peace and neutrality of the Kingdom, in particular the Geneva Agreements of 1962, and will abrogate all treaties and agreements which are contrary to those principles.

"This statement of neutrality by the Royal Government of Laos shall be promulgated constitutionally and shall have the force of law.

"The Kingdom of Laos appeals to all the States participating in the International Conference on the Settlement of the Laotian Question, and to all other States, to recognise the sovereignty, independence, neutrality, unity and territorial integrity of Laos, to conform to these principles in all respects, and to refrain from any action inconsistent therewith."

Confirming the principles of respect for the sovereignty, independence, unity and territorial integrity of the Kingdom of Laos and noninterference in its internal affairs which are embodied in the Geneva Agreements of 1954;

Emphasizing the principle of respect for the neutrality of the Kingdom of Laos;

Agreeing that the above-mentioned prin-

ciples constitute a basis for the peaceful settlement of the Laotian question:

Profoundly convinced that the independence and neutrality of the Kingdom of Laos will assist the peaceful democratic development of the Kingdom of Laos will assist the peaceful democratic development of the Kingdom of Laos and the achievement of national accord and unity in that country, as well as the strengthening of peace and security in South-East Asia;

1. Solemnly declare, in accordance with the will of the Government and people of the Kingdom of Laos, as expressed in the statement of neutrality by the Royal Government of Laos of July 9, 1962, that they recognise and will respect and observe in every way the sovereignty, independence, neutrality, unity and territorial integrity of the Kingdom of Laos.

2. Undertake, in particular, that

(a) they will not commit or participate in any way in any act which might directly or indirectly impair the sovereignty, independence, neutrality, unity or territorial integrity of the Kingdom of Laos;

(b) they will not resort to the use or threat of force or any other measure which might impair the peace of the Kingdom of Laos;

(c) they will refrain from all direct or indirect interference in the internal affairs of the Kingdom of Laos;

(d) they will not attach conditions of a political nature to any assistance which they may offer or which the Kingdom of Laos may seek;

(e) they will not bring the Kingdom of Laos in any way into any military alliance or any other agreement, whether military or otherwise, which is inconsistent with her neutrality, nor invite or encourage her to enter into any such alliance or to conclude any such agreement;

(f) they will respect the wish of the Kingdom of Laos not to recognise the protection of any alliance or military coalition, including SEATO;

(g) they will not introduce into the Kingdom of Laos foreign troops or military personnel in any form whatsoever, nor will they in any way facilitate or connive at the introduction of any foreign troops or military personnel;

(h) they will not establish nor will they in any way facilitate or connive at the establishment in the Kingdom of Laos of any foreign military base, foreign strong point or other foreign military installation of any kind;

(i) they will not use the territory of the Kingdom of Laos for interference in the internal affairs of other countries;

(j) they will not use the territory of any country, including their own for interference in the internal affairs of the Kingdom of Laos.

3. Appeal to all other States to recognise, respect and observe in every way the sovereignty, independence and neutrality, and also the unity and territorial integrity, of the Kingdom of Laos and to refrain from any action inconsistent with these principles or with other provisions of the present Declaration.

4. Undertake, in the event of a violation or threat of violation of the sovereignty, independence, neutrality, unity or territorial integrity of the Kingdom of Laos, to consult jointly with the Royal Government of Laos and among themselves in order to consider measures which might prove to be necessary to ensure the observance of these principles and the other provisions of the present Declaration.

5. The present Declaration shall enter into force on signature and together with the statement of neutrality by the Royal Government of Laos of July 9, 1962, shall be regarded as constituting an international agreement. The present Declaration shall be deposited in the archives of the Governments

of the United Kingdom and the Union of Soviet Socialist Republics, which shall furnish certified copies thereof to the other signatory States and to all the other States of the world.

In witness whereof, the undersigned Plenipotentiaries have signed the present Declaration.

Done in two copies in Geneva this twenty-third day of July one thousand nine hundred and sixty-two in the English, Chinese, French, Laotian and Russian languages, each text being equally authoritative.

PROTOCOL TO THE DECLARATION ON THE NEUTRALITY OF LAOS

The Governments of the Union of Burma, the Kingdom of Cambodia, Canada, the People's Republic of China, the Democratic Republic of Viet-Nam, the Republic of France, the Republic of India, the Kingdom of Laos, the Polish People's Republic, the Republic of Viet-Nam, the Kingdom of Thailand, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America; Having regard to the Declaration on the Neutrality of Laos of July 23, 1962;

Have agreed as follows:

Article 1

For the purposes of this Protocol

(a) the term "foreign military personnel" shall include members of foreign military missions, foreign military advisers, experts, instructors, consultants, technicians, observers and any other foreign military persons, including those serving in any armed forces in Laos, and foreign civilians connected with the supply, maintenance, storing and utilization of war materials;

(b) the term "the Commission" shall mean the International Commission for Supervision and Control in Laos set up by virtue of the Geneva Agreements of 1954 and composed of the representatives of Canada, India and Poland, with the representative of India as Chairman;

(c) the term "the Co-Chairmen" shall mean the Co-Chairmen of the International Conference for the Settlement of the Laotian Question, 1961-1962, and their successors in the offices of Her Britannic Majesty's Principal Secretary of State for Foreign Affairs and Minister for Foreign Affairs of the Union of Soviet Socialist Republics respectively;

(d) the term "the members of the Conference" shall mean the Governments of countries which took part in the International Conference for the Settlement of the Laotian Question, 1961-1962.

Article 2

All foreign regular and irregular troops, foreign para-military formations and foreign military personnel shall be withdrawn from Laos in the shortest time possible and in any case the withdrawal shall be completed not later than thirty days after the Commission has notified the Royal Government of Laos that in accordance with Articles 3 and 10 of this Protocol its inspection teams are present at all points of withdrawal from Laos. These points shall be determined by the Royal Government of Laos in accordance with Article 3 within thirty days after the entry into force of this Protocol. The inspection teams shall be present at these points and the Commission shall notify the Royal Government of Laos thereof within fifteen days after the points have been determined.

Article 3

The withdrawal of foreign regular and irregular troops, foreign para-military formations and foreign military personnel shall take place only along such routes and through such points as shall be determined by the Royal Government of Laos in consultation with the Commission. The Commission shall be notified in advance of the point and time of all such withdrawals.

Welcoming the presentation of the statement of neutrality by the Royal Government of Laos of July 9, 1962, and taking note of this statement, which is, with the concurrence of the Royal Government of Laos, incorporated in the present Declaration as an integral part thereof, and the text of which is as follows:

"The Royal Government of Laos,

"Being resolved to follow the path of peace and neutrality in conformity with the interests and aspirations of the Laotian people, as well as the principles of the Joint Communiqué of Zurich dated June 22, 1961, and of the Geneva Agreements of 1954 in order to build a peaceful, neutral, independent, democratic, unified and prosperous Laos,

"Solemnly declares that:

"(1) It will resolutely apply the five principles of peaceful co-existence in foreign relations, and will develop friendly relations and establish diplomatic relations with all countries, the neighboring countries first and foremost, on the basis of equality and of respect for the independence and sovereignty of Laos;

"(2) It is the will of the Laotian people to protect and ensure respect for the sovereignty, independence, neutrality, unity, and territorial integrity of Laos;

"(3) It will not resort to the use or threat of force in any way which might impair the peace of other countries, and will not interfere in the internal affairs of other countries;

"(4) It will not enter into any military alliance or into any agreement, whether military or otherwise, which is inconsistent with the neutrality of the Kingdom of Laos; it will not allow the establishment of any foreign military base on Laotian territory, nor allow any country to use Laotian territory for military purposes or for the purposes of interference in the internal affairs of other countries, nor recognise the protection of any alliance or military coalition, including SEATO.

"(5) It will not allow any foreign interference in the internal affairs of the Kingdom of Laos in any form whatsoever;

"(6) Subject to the provisions of Article 5 of the Protocol, it will require the withdrawal from Laos of all foreign troops and military personnel, and will not allow any foreign troops or military personnel to be introduced into Laos;

"(7) It will accept direct and unconditional aid from all countries that wish to help the Kingdom of Laos build up an independent and autonomous national economy on the basis of respect for the sovereignty of Laos;

"(8) It will respect the treaties and agreements signed in conformity with the interests of the Laotian people and of the policy of peace and neutrality of the Kingdom, in particular the Geneva Agreements of 1962, and will abrogate all treaties and agreements which are contrary to those principles.

"This statement of neutrality by the Royal Government of Laos shall be promulgated constitutionally and shall have the force of law.

"The Kingdom of Laos appeals to all the States participating in the International Conference on the Settlement of the Laotian Question, and to all other States, to recognise the sovereignty, independence, neutrality, unity and territorial integrity of Laos, to conform to these principles in all respects, and to refrain from any action inconsistent therewith."

Confirming the principles of respect for the sovereignty, independence, unity and territorial integrity of the Kingdom of Laos and noninterference in its internal affairs which are embodied in the Geneva Agreements of 1954;

Emphasizing the principle of respect for the neutrality of the Kingdom of Laos;

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constitute a basis for the peaceful settlement of the Laotian question:

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(f) they will respect the wish of the Kingdom of Laos not to recognise the protection of any alliance or military coalition, including SEATO;

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(b) the term "the Commission" shall mean the International Commission for Supervision and Control in Laos set up by virtue of the Geneva Agreements of 1954 and composed of the representatives of Canada, India and Poland, with the representative of India as Chairman;

(c) the term "the Co-Chairmen" shall mean the Co-Chairmen of the International Conference for the Settlement of the Laotian Question, 1961-1962, and their successors in the offices of Her Britannic Majesty's Principal Secretary of State for Foreign Affairs and Minister for Foreign Affairs of the Union of Soviet Socialist Republics respectively;

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December 17, 1969

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S16967

Mr. FULBRIGHT. Mr. President, will the Senator yield for the purpose of clarification?

Mr. MANSFIELD. I yield.

Mr. FULBRIGHT. Mr. President, I believe this colloquy belongs in the record of the proceedings had in the executive session on Monday. That portion of the record is in the process of being cleared and this colloquy will be a part of that record, will it not?

Mr. MANSFIELD. It could be a part of that record. And it could also be made part of the public record.

Mr. FULBRIGHT. I assume that will be made public also.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the colloquy just had between the Senator from Arkansas and me be made a part of the record compiled during the executive meeting of the Senate last Monday at the appropriate place so as to show the question asked and the denial made and the affirmation now made.

Mr. FULBRIGHT. Mr. President, I want to make it clear that this relates to whether there is any legal or constitutional justification for the war in which we are engaged in Laos at the present time. And this point is a very significant one.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed the following bills of the Senate, severally with an amendment, in which it requested the concurrence of the Senate:

S. 65. An act to direct the Secretary of Agriculture to convey sand, gravel, stone, clay, and similar materials in certain lands to Emogene Tilmon of Logan County, Ark.;

S. 80. An act to direct the Secretary of Agriculture to convey sand, gravel, stone, clay, and similar materials in certain lands to Enoch A. Lowder of Logan County, Ark.;

S. 81. An act to direct the Secretary of Agriculture to convey sand, gravel, stone, clay, and similar materials in certain lands to J. B. Smith and Sula E. Smith, of Magazine, Ark.;

S. 82. An act to direct the Secretary of Agriculture to convey sand, gravel, stone, clay, and similar materials in certain lands to Wayne Tilmon and Emogene Tilmon of Logan County, Ark.;

S. 2523. An act to amend the Community Mental Health Centers Act to extend and improve the program of assistance under that act for community mental health centers and facilities for the treatment of alcoholics and narcotic addicts, to establish programs for mental health of children, and for other purposes; and

S. 2809. An act to amend the Public Health Service Act so as to extend for an additional period the authority to make formula grants to schools of public health, project grants for graduate training in public health and traineeships for professional public health personnel.

The message also announced that the House had passed the following bill and joint resolution of the Senate, each with amendments, in which it requested the concurrence of the Senate:

S. 740. An act to establish the Cabinet Committee on Opportunities for Spanish-Speaking People, and for other purposes; and

S.J. Res. 154. A joint resolution to authorize and request the President to proclaim the month of January of each year as "National Blood Donor Month."

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 110. An act to amend section 427(b) of title 37, United States Code, to provide that a family separation allowance shall be paid to a member of a uniformed service even though the member does not maintain a residence or household for his dependents, subject to his management and control;

H.R. 386. An act to amend title 37 of the United States Code to provide that a family separation allowance shall be paid to any member of a uniformed service assigned to Government quarters providing he is otherwise entitled to such separation allowance;

H.R. 1497. An act to permit the vessel *Marpole* to be documented for use in the coastwise trade;

H.R. 6971. An act to require a radiotelephone on certain vessels while navigating upon specified waters of the United States;

H.R. 7264. An act for the relief of Mrs. Pearl C. Davis;

H.R. 8021. An act to amend title 37, United States Code, to authorize a dislocation allowance under certain circumstances, certain reimbursements, transportation for dependents, and travel and transportation allowances under certain circumstances, and for other purposes;

H.R. 8022. An act to amend title 37, United States Code, to authorize travel, transportation, and education allowances to certain members of the uniformed services for dependents' schooling, and for other purposes;

H.R. 8100. An act for the relief of the Burrowes Manufacturing Corp.;

H.R. 9001. An act for the relief of William Patrick Magee;

H.R. 9366. An act to change the limitation on the number of apprentices authorized to be employees of the Government Printing Office and for other purposes;

H.R. 10658. An act conferring jurisdiction upon the United States Court of Claims to hear, determine, and render judgment upon the claim of Philip J. Fichman;

H.R. 13448. An act to authorize the exchange, upon terms fully protecting the public interest, of the lands and buildings now constituting the U.S. Public Health Service Hospital at New Orleans, La., for lands upon which a new U.S. Public Health Service Hospital at New Orleans, La., may be located;

H. R. 13630. An act to extend certain expiring provisions of law relating to vocational education;

H.R. 14213. An act to amend sections 5580 and 5581 of the Revised Statutes to provide for additional members of the Board of Regents of the Smithsonian Institution;

H.R. 14289. An act to permit El Paso and Hudspeth Counties, Tex., to be placed in the mountain standard time zone; and

H.R. 14733. An act to amend the Public Health Service Act to extend the program of assistance for health services for domestic migrant agricultural workers and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Acting President pro tempore:

S. 1108. An act to waive the acreage limitations of section 1(b) of the act of June 14, 1926, as amended, with respect to con-

veyance of lands to the State of Nevada for inclusion in the Valley of Fire State Park;

S. 2734. An act granting the consent of Congress to the Connecticut-New York Railroad Passenger Transportation Compact;

S. 3169. An act to amend the Atomic Energy Act of 1954, as amended, and for other purposes; and

S.J. Res. 90. Joint resolution to enable the United States to organize and hold a diplomatic conference in the United States in fiscal year 1970 to negotiate a Patent Cooperation Treaty and authorize an appropriation thereof.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 110. An act to amend section 427(b) of title 37, United States Code, to provide that a family separation allowance shall be paid to a member of a uniformed service even though the member does not maintain a residence or household for his dependents, subject to his management and control;

H.R. 386. An act to amend title 37 of the United States Code to provide that a family separation allowance shall be paid to any member of a uniformed service assigned to Government quarters providing he is otherwise entitled to such separation allowance;

H.R. 8021. An act to amend title 37, United States Code, to authorize a dislocation allowance under certain circumstances, certain reimbursements, transportation for dependents, and travel and transportation allowances under certain circumstances, and for other purposes;

H.R. 8022. An act to amend title 37, United States Code, to authorize travel, transportation, and education allowances to certain members of the uniformed services for dependents' schooling, and for other purposes; to the Committee on Armed Services.

H.R. 1497. An act to permit the vessel *Marpole* to be documented for use in the coastwise trade;

H.R. 6971. An Act to require a radio-telephone on certain vessels while navigating upon specified waters of the United States; and

H.R. 14289. An act to permit El Paso and Hudspeth Counties, Tex., to be placed in the mountain standard time zone; to the Committee on Commerce.

H.R. 7264. An act for the relief of Mrs. Pearl C. Davis;

H.R. 8100. An act for the relief of the Burrowes Manufacturing Corp.;

H.R. 9001. An act for the relief of William Patrick Magee; and

H.R. 10658. An act conferring jurisdiction upon the United States Court of Claims to hear, determine, and render judgment upon the claim of Philip J. Fichman; to the Committee on the Judiciary.

H.R. 9366. An act to change the limitation on the number of apprentices authorized to be employees of the Government Printing Office, and for other purposes; and

H.R. 14213. An act to amend sections 5580 and 5581 of the Revised Statutes to provide for additional members of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

H.R. 13448. An act to authorize the exchange, upon terms fully protecting the public interest, of the lands and buildings now constituting the U.S. Public Health Service Hospital at New Orleans, La., for lands upon which a new U.S. Public Health Service Hospital at New Orleans, La., may be located;

H.R. 13630. An act to extend certain expiring provisions of law relating to vocational education; and

H.R. 14733. An act to amend the Public Health Service Act to extend the program of assistance for health services for domestic migrant agricultural workers and for other

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S 16968

CONGRESSIONAL RECORD — SENATE

December 17, 1969

purposes; to the Committee on Labor and Public Welfare.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, 1970

The Senate continued with the consideration of the bill (House Resolution 13111) making appropriations for the Departments of Labor and Health, Education, and Welfare for the fiscal year ending June 30, 1970, and for other purposes.

AMENDMENT NO. 142

Mr. ALLEN. Mr. President, I call up amendment No. 142 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. The Senator from Alabama (Mr. ALLEN) offers the following amendment:

On page 56, after line 24, insert the following:

"Sec. 410. It is hereby declared to be the sense of Congress that the freedom of choice of parents to choose the public primary and secondary schools to which they shall send their children (subject to age, academic, and residence requirements) is an inviolate right, the protection and maintenance of which is part of the public policy of the United States."

The PRESIDING OFFICER (Mr. Young of Ohio in the chair). The Senator from Alabama is recognized.

Mr. ALLEN. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. A continuing order is in effect throughout the afternoon that all attachés must be seated in the rear of the Chamber or leave the Chamber. They may not come on the floor otherwise.

The Sergeant at Arms will enforce that order throughout the afternoon.

Mr. MAGNUSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MAGNUSON. Mr. President, I understand that the so-called Allen amendment is subject to a time limitation.

The PRESIDING OFFICER. The Senator is correct. There is a time limitation of 30 minutes to the pending amendment, 15 minutes to each side.

Mr. MAGNUSON. And the time is divided between the Senator from Alabama and the Senator from Washington.

The PRESIDING OFFICER. The Senator is correct.

Mr. GRIFFIN. May I respectfully inquire of the chairman of the committee if he is opposed to the pending amendment?

Mr. MAGNUSON. Yes.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Alabama is recognized.

Mr. ALLEN. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. ALLEN. Mr. President, I ask unanimous consent that the name of my able and distinguished colleague, the senior Senator from Alabama (Mr. SPARKMAN), be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, at this time I yield 3 minutes to the distinguished Senator from Mississippi (Mr. STENNIS).

Mr. STENNIS. Mr. President, I am delighted to have an opportunity to speak on behalf of the Senator's amendment.

Mr. President, this amendment merely announces that, as a policy of Congress, the freedom of choice of parents to choose the public primary and secondary schools to which they shall send their children, subject to age, academic and residence requirements, is an inviolate right, the protection and maintenance of which is a part of the public policy of the United States.

Mr. President, again there comes to my mind the vivid picture of this very privilege, with the slightest exception only, the very privilege that is enjoyed all over the United States by all the parents, except in the South. They have absolute freedom of choice in all those areas and in the States about which I spoke and gave figures, with no restrictions and no limitations. New York has frozen this in granite—the right of their parents to make this choice.

Say what we will, it is a fact of life, and I believe there never will be a rigid application of taking away these rights from the people throughout the United States. I bow for the time being to the will of the Senate. I have no reaction at all to my colleagues. That is their business. But to try to laugh this off or to make jokes about it or to say that just a handful of districts are affected by the last amendment, is an error of fact.

So I plead for all the parents outside the South to continue to have this choice. It is freedom from force more than it is freedom of choice, and we in our area have recognition of this great principle, too.

So I am delighted to support the amendment of the Senator from Alabama. I commend him for the long hours and the diligent work he has put in on this matter during the relatively few months he has been in the Senate. The Senator from Alabama has made a contribution in many other ways, also.

Mr. ALLEN. I thank the distinguished Senator from Mississippi.

Mr. President, specific limitations on the powers of the Department of Health, Education, and Welfare with respect to

issuing orders and drawing up plans designed to achieve balance in public schools have no effect whatsoever when public schools are administered by Federal district courts.

Federal courts assert a power to order whatever may be required in the way of closing schools and busing pupils to achieve racial balance in public schools. Federal courts simply exercise total and complete discretionary powers over every phase and aspect of public school administration. School plans adopted by Federal courts to achieve racial balance are enforced by injunctions directed to local public officials and the threat of confiscatory fines and imprisonment without benefit of trial by jury. In short, the Supreme Court of the United States learned how to run schools just as their predecessors in the recent history of totalitarian tyranny learned to run trains on time.

Mr. President, this amendment is designed to give the Supreme Court of the United States and all Federal courts a valid reason for adopting a commonsense approach to cleaning up the intolerable mess it has created in public school systems throughout the United States.

While the amendment is to the appropriations bill for the Department of Health, Education, and Welfare, it is as much for the benefit of Federal courts. It is quite simple and to the point. It adds a section to H.R. 13111 which provides as follows:

It is hereby declared to be the sense of Congress that the freedom of choice of parents to choose the public primary and secondary schools to which they shall send their children (subject to age, academic and residence requirements) is an inviolate right, the protection and maintenance of which is part of the public policy of the United States.

Mr. President, this amendment informs the Department of Health, Education, and Welfare and the Supreme Court that freedom of choice in matters affecting the health, safety, and welfare of their children is an inviolate right of parents, the maintenance of which is public policy of the United States. Therefore, if enacted, any future action, order, or decree in contravention of this right, as it relates to a parent's choice of schools their children shall attend, will be contrary to national public policy as determined and established by Congress.

Mr. President, why should it be necessary to establish national policy on this subject? The reason is that the U.S. Supreme Court has traversed a circuitous path from an original decision which held that State legislatures did not have the power to compel segregation in public schools, to a decision on June 2, 1969, which held, in its necessary effect, that the Constitution of the United States imposes an affirmative duty on State legislatures and subordinate units of State governments to compel integration of races in public schools to the extent necessary to achieve racial balance.

Mr. President, I invite the attention of Senators to this decision and to my analysis of it which is in the CONGRESSIONAL RECORD of June 17, 1969, on page S6541.

Mr. President, for 15 years, no one could know with certainty what the Supreme Court meant by the term desegre-

ments is another matter. We refer to the \$6-billion social security bonanza attached to the bill. With the steady rise in living costs, Congress must of course raise social security payments. But the country simply cannot afford a 15 per cent jump at this time plus a boost in the minimum payment from \$55 to \$100 a month for single persons and \$150 for couples. The only reason for attaching these plums to the tax-reform bill was to make it more difficult for the President to reject them. Even if the House insists on separating the social security benefits from the tax bill, the proposed addition to \$6 billion to social security spending will continue to complicate the fiscal picture.

It is the combination of this costly gesture with the revenue-slashing Gore amendment which has put the Senate in the posture of throwing discretion to the winds. One estimate is to the effect that the combination will change the prospect of a \$3-billion surplus in fiscal 1971 under the Finance Committee bill to a \$7.5-billion deficit. In the face of continued inflationary pressures this amounts to an abdication of responsibility.

The Senate is entitled to a good deal of credit for some of its refining amendments. It voted to permit foundations to continue financing voter registration drives under proper restrictions and eliminated the Finance Committee's 40-year limitation on the life of foundations. No doubt some of its other changes in a highly complex bill will be found worth saving, but it has thrown an enormous burden on the conference committee to produce a bill that will be acceptable to the White House and to the country.

The major task of the House-Senate conferees will be to restore the bill to its original objectives of screening out the inequities of the present law. This can be readily accomplished without siphoning off the revenue that is needed for expanded educational, social and environmental programs and without feeding the fires of inflation. The reckless nature of the Senate's spree has thrown an extraordinary burden on the conferees, who must still try to produce a respective tax-reform bill.

Mr. HOLLAND. Mr. President, I note that the Washington Daily News had a similar editorial in its edition of December 12, strongly criticizing the so-called tax reform bill. The title of its editorial is "Tax Bill or Goody Tree?" I ask unanimous consent that that editorial from the Washington Daily News be incorporated in the Record as a part of my remarks.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

TAX BILL OR GOODY TREE?

When the tax bill just passed by the Senate came from the House of Representatives last summer it was reasonably well qualified for the title it carried, "Tax Reform Bill."

But as it emerged from the Senate, after the spirit of Santa Claus generally had prevailed, it looked more like a Christmas tree than a "tax reform" measure.

The Senate littered the bill with amendments, most of them giving somebody or other a tax break.

The bill now goes to a conference committee, which will attempt to compromise the Senate's inflation-spurring, deficit-making version with the House version.

But Sen. Russell B. Long, chairman of the Finance Committee, said it will be "embarrassing" for him to take the bill to the House conferees "and tell them we've loaded \$11 billion on their bill."

Others estimate that the loss of revenue from the Senate version could run as high as \$14 billion.

The Senate raised Social Security benefits 15 per cent, instead of the 10 per cent proposed by President Nixon. It voted to raise the personal exemption of \$600 to \$700 next year and \$800 in 1971. It would reduce the oil and gas depletion allowances from 27½ per cent to 23 per cent, 3 per cent higher than the House proposed. Repeal of the investment credit tax, voted by the House, was watered down in the Senate version to give special tax breaks to some corporations, such as the oil interests operating in Alaska.

The Senate added a \$325 per student tax deduction for taxpayers with youngsters in college, and a host of other provisions for particular interests which only a Philadelphia lawyer can untangle.

The bill, of course, is not entirely without virtue. For instance, both houses agreed that private foundations must be more tightly regulated to deserve tax exemption. And while they differed on methods, both versions of the tax bill require foundations to spend their money and serve the purposes for which they were avowedly set up.

But by and large the Senate made a shambles of the bill passed by the House.

And if this measure should survive the compromise committee in substantially the form adopted by the Senate, President Nixon would have no logical choice except to carry out his threat to veto it. Because the bill, as it now stands, would seriously cripple Mr. Nixon's effort to slow down inflation and positively wreck any hope of getting the government budget in balance.

But meanwhile there is ground for hope that Rep. Wilbur D. Mills, chairman of the House Ways and Means Committee, and his House colleagues will be stout enough and persuasive enough in the compromise committee to strip the bill of much of its costly gingerbread.

The government, and the taxpayers themselves, simply cannot afford the Senate's Christmas tree in the present state of government finances and when inflation is still a long way from being effectively restrained.

Mr. HOLLAND. Mr. President, I wish that we could reach the time, as expressed in these editorials, when the Senate would act responsibly on a tax bill.

Apparently we suffer from a frustration here in the Senate because of the fact that the Constitution does not permit us to initiate tax measures; and when we do get a tax measure, we show that frustration in rather unlimited degree, as we did in the two instances which I have already cited in my remarks.

Mr. President, my real purpose today is to express the strong hope that the conference committee, representing the senior members of the appropriate committees of the two Houses, will come back with a bill so improved that we can all gladly support it, and call it a tax reform bill without calling it a "so-called" tax reform bill, or a tax reform bill with a question mark after the word "reform."

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE BIPARTISAN AMENDMENT IN SUPPORT OF THE PRESIDENT'S POSITION ON LAOS AND THAILAND

Mr. GRIFFIN. Mr. President, particularly in the wake of Vice President's AGNEW's criticism of some of the news media, there has been considerable discussion of, and focus upon, the objectivity of news reports. It will be recalled that some particular concern was indicated earlier with respect to the New York Times and the Washington Post.

Although I hesitate to single out these particular newspapers again, I wish to indicate my considerable displeasure with the coverage this morning in both the New York Times and the Washington Post of an action that took place yesterday on the floor of the Senate.

A headline in the Washington Post this morning reads, "Senate Acts To Curb Asia Role." The story under that headline refers to the amendment cosponsored yesterday by the Senator from Idaho (Mr. CHURCH) and the Senator from Colorado (Mr. ALLOTT) relating to policy with respect to the introduction of United States combat troops in Thailand and Laos.

The first point I should like to make is that the headline is misleading. The Senate did not take any action to "curb" an Asian role. The intent and the plain meaning of the amendment ultimately adopted by the Senate yesterday was to reaffirm the existing role and existing policies of the United States with respect to Thailand and Laos.

Moreover, I notice in both of the reports two disturbing and rather significant omissions. First, there is no reference whatever to the fact that this particular amendment was a bipartisan amendment. The only sponsor indicated in the two reports is the distinguished Senator from Idaho (Mr. CHURCH)—who deserves and should receive full credit for the leadership role that he played in connection with the presentation and discussion of the amendment. But equally important, to the American people, is the completely ignored and unreported fact that it was a bipartisan amendment.

Indeed, the amendment was drafted—and I think most of the people on the Senate floor and those who were watching from gallery were aware of the fact that it was drafted right here in the Republican cloakroom. In fact, the principal Senators involved in its drafting, along with the Senator from Idaho (Mr. CHURCH) were the Senator from Colorado (Mr. ALLOTT) and the Senator from New York (Mr. JAVITS); and as soon as the Senator from Idaho obtained the floor and received recognition to offer the amendment, he acknowledged immediately the cosponsorship of those two Republicans.

The second significant and disturbing omission from the reports in both newspapers is the fact that the opening lines of the amendment were these: "In line with the expressed intention of the President of the United States."

The amendment was not long. In fact, it was very short. It seems to me that it

could have been reported in full. But omitted were those very significant introductory words, which make it clear that what was intended, was a positive statement on the part of the Senate reaffirming the declared policy of the administration. The omission of these words leaves the reader of these newspapers with the opposite impression—that the Senator was taking a slap at the administration, which certainly was not the case.

This is most unfortunate. Whether or not it was intended by those who wrote the stories, that is the way it appears in print, and in my opinion, some notice of it should be taken. Following a meeting with the President and others at the White House this morning, I can report to my fellow Senators that the President is pleased with the amendment, and he recognizes that it is in accordance with his announced policies.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. GRIFFIN. I am happy to yield.

Mr. HOLLAND. The Senator has mentioned very appropriately that the measure adopted yesterday to which he has referred was a bipartisan measure. There is no question about that. But I wish he would also take note of the fact that the measure of which it was simply a clarification was also a bipartisan measure.

Mr. GRIFFIN. That is correct.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ALLOTT. Mr. President, I ask unanimous consent that the Senator from Michigan may proceed for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLAND. It was offered by the Senator from Kentucky (Mr. COOPER), who was called away by a serious illness in his family, and by the majority leader, the Senator from Montana (Mr. MANSFIELD).

So the entire approach to this difficult question, both the original approach and the clarifying approach ultimately adopted, was bipartisan; and I am glad that the Senator has called attention to the fact that the action was completely bipartisan.

Mr. GRIFFIN. The Senator makes an excellent point.

Mr. President, I ask unanimous consent to have printed in the RECORD pertinent portions of the two newspaper articles to which I have referred.

There being no objection, the excerpts from the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Dec. 16, 1969]

HILL ACTS TO CURB ASIA ROLE—SENATE VOTES \$69.3 BILLION IN DEFENSE FUNDS

(By Warren Unna and Richard Homan)

The Senate, after almost three hours of stormy and unusual secret debate, yesterday voted 73 to 17 to bar use of new defense funds "to finance the introduction of American ground combat troops in Laos and Thailand."

The Senate then went on to approve a \$69.3-billion appropriation for military spending during the current fiscal year. This was \$637 million less than an appropriations measure already heavily cut by the House. The House had slashed Pentagon spending requests by \$5.3 billion.

The final Senate vote on the appropriations bill was 85 to 4. It came after the Senate rejected a new effort to kill the Nixon administration's safeguard anti-ballistic missile program.

The restriction voted on U.S. military activities in Laos and Thailand came after Chairman J. W. Fulbright (D-Ark.) of the Senate Foreign Relations Committee insisted that the bill's floor manager give the administration's reasons for wanting to spend \$90 million for U.S. military assistance in neutral Laos. This sum was described as a \$16.7 per cent increase over last year.

The restrictive amendment, introduced by Sen. Frank Church (D-Idaho), modified an earlier motion by Senate Majority Leader Mike Mansfield (D-Mont.) and Sen. John Sherman Cooper (R-Ky.) to prevent U.S. funds from being used to provide anything but supplies and training to "local forces" in Laos and Thailand.

"I voice my apprehension over continuing administration silence over policy in Laos, where our military involvement appears to be growing rather than declining," Fulbright told the Senate in a secret-session statement he later released to reporters.

"As in Vietnam, the Nixon administration inherited a Laotian policy, the senator acknowledged.

Fulbright's charges came in the wake of a secret series of investigations a Senate Foreign Relations subcommittee has been conducting into the extent of U.S. military involvement in Laos. Until now, the administration has insisted on such a sanitized public version of the transcript that Fulbright said his committee decided it would be only "misleading" to publish it.

In his televised press conference last week, President Nixon said there were "no American combat troops in Laos." But the President did acknowledge for the first time that the United States is engaged in interdiction of the Ho Chi Minh Trail from North to South Vietnam—"as it runs through Laos." Previously, the United States had acknowledged "armed reconnaissance" flights over Laos.

Yesterday's Senate action indicated that a vast majority of the senators now believe there is either much more than that involved, or that there is about to be. Once the secret session was over and the doors were open to the public, the senators, by the tone of their debate, made it plain that they now were aware of U.S. air sorties into Laos.

And Fulbright, in reading them a series of letters he has received from military and AID personnel, as well as from relatives of those killed and missing in Laos, apparently buttressed this Senate awareness.

The \$90 million military-aid figure had been a tightly held secret until Sen. Allen J. Ellender (D-La.), floor-managing the defense appropriation bill for the hospitalized Richard B. Russell (D-Ga.), chairman of the Appropriations Committee, let the cat out of the bag.

The \$90 million was only the Appropriations Committee's recommendation. It was not known how much the Pentagon actually sought. Ellender cryptically referred to it as going "for the purpose of support of the Royal Laotian Army."

It was then that the Senate decided to go into its closed-door executive session after overruling a suggestion from Sen. Barry Goldwater (R-Ariz.) to debate it out in the open.

The \$90 million represents only part of the money that the United States spends in Laos.

Under this year's foreign aid bill, Laos is to get \$36.3 million in military "supporting assistance," as well as \$11.9 million in technical assistance. In addition, there is suspicion of an additional sum included in the

secret CIA budget for the support of Laos' "secret army."

From 1955, when the United States took over much of the French role in Laos, until 1961, the U.S. gave \$91 million in military aid and \$263.9 million in economic aid to Laos. In 1962, the Geneva accords were worked out guaranteeing Laos' neutrality and providing for the withdrawal of both North Vietnamese and U.S. troops. Further U.S. military expenditures were marked secret.

The U.S. troops were withdrawn from Laos, as per agreement. But President Nixon emphasized in press conference last week that some 50,000 North Vietnamese troops are believed to still be in Laos.

In Thailand, which also was included in yesterday's Senate restriction against U.S. ground troops, the United States has had a total of 48,000 Air Force and Army personnel. On Sept. 30, the White House announced it would cut this figure back by 6,000 by next July 1—with no appreciable loss in what was termed combat capacity.

[From the New York Times, Dec. 16, 1969]

SENATE OPPOSES A GI ROLE IN LAOS—VOTES TO BAR COMBAT UNITS IN THAILAND TOO, BUT FINAL BILL MAY DROP CURB

(By John W. Finney)

WASHINGTON.—The Senate, after a secret debate on American military involvement in the war in Laos, voted today to prohibit the commitment of American ground combat troops in either Laos or Thailand.

The prohibition, approved by a vote of 78 to 11, was written into a \$69.3-billion defense appropriations bill.

Whether the prohibition would be retained in the compromise appropriations bill that will now be drafted by a Senate-House conference committee appeared doubted. But Senator J. W. Fulbright, Democrat of Arkansas, expressed the view that, at least, he had succeeded in bringing to the attention of the Senate what he described as "our escalating military activities in Laos."

Before approving the Pentagon budget for the current fiscal year, the Senate once again refused—this time by a decisive margin—to delay deployment of the Safeguard antiballistic missile system.

The Senate's first full-scale debate on the Laotian war was provoked by a group of critics of the Vietnam war on the Senate Foreign Relations Committee, but by Senator Fulbright, the committee chairman, and Senator Mike Mansfield of Montana, the Democratic leader.

Asserting that the United States was escalating its military activities in Laos, the group sought to use the defense appropriations bill to force the Nixon Administration to relax its policy of secrecy on American military activities in Laos as well as to place some Congressional restraints on further military involvement in that Southeast Asian country.

Faced with the continued opposition of the Appropriation and Armed Services committees, the group was not completely successful in its efforts.

RARE SECRET SESSION HELD

It did succeed in forcing the Senate into a rare secret session for a discussion of the largely secret American military role in Laos. During the discussion the Administration for the first time supplied to the Senate as a whole . . . information on American military activities in Laos, including details on how American planes were carrying out bombing strikes in northern Laos in support of the Royal Laotian Government forces.

When it came to legislative restraints, however, the group was forced to beat a series of retreats and the Senate wound up approving a compromise limited to prohibition of ground combat troops in Laos and Thailand.

The compromise, put together by Senator Frank Church, Democrat of Idaho, specified

that none of the funds in the defense appropriations bill "shall be used to finance the introduction of American ground combat troops into Laos or Thailand."

The United States has military advisers, including Army Special Forces units, stationed in Laos to assist Laotian Government forces as well as a 36,000-man private army largely supported by the Pentagon and the Central Intelligence Agency. In addition, at the request of the Royal Laotian Government, American planes are flying armed reconnaissance missions in Laos.

TROOPS IN LAOS DENIED

The Administration, however, has repeatedly insisted—as President Nixon did most recently at his news conference last week—that the United States has no combat troops in Laos.

During the course of the Senate debate, however, it was emphasized by Senator Mansfield and Senator Fulbright that United States Air Force planes stationed in Thailand were carrying out bombing missions against the pro-Communist Pathet Lao and North Vietnamese troops in northern Laos in support of Laotian Government forces. At one point in the debate preceding the secret session, Senator Mansfield said the number of sorties by Air Force planes based on Thailand had "increased considerably in recent months."

Much of the debate revolved around the issue of whether the Senate, through amendments in the defense appropriation bills, should attempt to restrict or prevent such air combat missions.

The Church proposal was offered as a substitute for a broader amendment sponsored by Senator John Sherman Cooper, Republican of Kentucky. The Cooper amendment, designed to prevent an American combat involvement in Laos, specified that none of the defense appropriations "shall be used for the support of local forces in Laos or Thailand except to provide supplies, material, equipment and facilities, including maintenance thereof, or to provide training for such local forces."

COOPER'S MOTHER STRICKEN

In the absence of Senator Cooper, whose mother suffered a stroke in Kentucky, the amendment was offered by Senator Mansfield.

During the course of the debate some differences of opinion developed over whether the Cooper amendment would prevent continuation of the air combat missions.

Senator Fulbright—as did aides of Senator Cooper—interpreted the amendment as prohibiting such air support. But Senator Mansfield, noting that the Laos war presented a "dangerous and delicate" situation "tied closely to the war in Vietnam," said it was "a moot question" whether the amendment would prevent bombing missions that ostensibly were being conducted against North Vietnamese troops in Laos.

Mr. McCLELLAN. Mr. Senator, will the Senator yield?

Mr. GRIFFIN. I am happy to yield to the Senator from Arkansas.

Mr. McCLELLAN. I recall, too, that during the course of the discussion of that amendment, the question was asked and the information was given to the Senate that the President had so expressed himself, and that in fact the amendment as finally agreed to was actually in support of what the President had already announced.

Mr. GRIFFIN. That is right.

Mr. McCLELLAN. That certainly had something to do with the vote that it received. I, for instance, have never been one who wanted to pass legislation in this field, or take action, that would be

calculated to embarrass the President or hinder or hamper him in trying to find a solution to the Vietnam problem.

Mr. GRIFFIN. I thank the Senator very much. At a time when we desperately need unity, it is unfortunate that in a situation when we have unity, it is sometimes reflected in the press as disunity, or as though there were differences with the President which in reality do not exist.

I wish to mention also, Mr. President, that the distinguished Senator from Tennessee (Mr. BAKER) a Republican, and the distinguished Senator from California (Mr. CRANSTON), a Democrat, who were not mentioned earlier, were also cosponsors of the amendment.

Mr. ALLOTT. Mr. President, I would like to talk very briefly on the remarks of the Senator from Michigan. I think they very adequately describe how gaps can appear in the credibility of all Government officials in the minds of the American public when a matter has been handled as loosely as the matter was handled yesterday by the two newspapers which have been mentioned, the New York Times and Washington Post.

There is no question that, by the result of the carrying of the motion to table the Mansfield-Cooper amendment with the prestigious name of the majority leader on it—and it was not an action against him—that it would have had to have had the effect that the Senate was pretty much of a mind on what it wanted.

Mr. President, reading from page 16760 of the Record of yesterday, I read again the amendment;

On page 46, between lines 8 and 9 insert a new section as follows:

In line with the expressed intention of the President of the United States, none of the funds appropriated by this act shall be used to finance the introduction of American ground troops into Laos or Thailand without the prior consent of Congress.

Mr. President, I heard no Senator on the floor—and I was present during the entire debate on the matter yesterday—take any position contrary to that. I think that states the almost unanimous position of the Senate that we do not desire to seek ground combat troops introduced into Laos.

However, it implies that this was a strike against the administration. It is particularly annoying to me. I regard myself as a supporter of the present administration, as I was of the administrations of President Kennedy and President Johnson, in the foreign relations area, particularly.

I think it does an injustice to the President. And I think it does an injustice to the U.S. Senate.

The matter of the cosponsorship is, of course, another matter. It puts a completely different complexion on the action which the Senate took yesterday in which the Senator from Idaho (Mr. CHURCH), the junior Senator from California (Mr. CRANSTON), the senior Senator from New York (Mr. JAVITS), the junior Senator from Tennessee (Mr. BAKER), and the senior Senator from Colorado all joined.

I think it was a very worthy effort and

one which contributed and will contribute very greatly to delineating the relationship between the Chief Executive and Congress.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the following bills and joint resolution of the Senate:

S. 2734. An act granting the consent of Congress to the Connecticut-New York Railroad Passenger Transportation Compact;

S. 3169. An act to amend the Atomic Energy Act of 1954, as amended, and for other purposes; and

S.J. Res. 90. Joint resolution to enable the United States to organize and hold a diplomatic conference in the United States in fiscal year 1970 to negotiate a Patent Cooperation Treaty and authorize an appropriation therefor.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 15090) making appropriations for the Department of Defense for the fiscal year ending June 30, 1970, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MAHON, Mr. SIKES, Mr. WHITTEN, Mr. ANDREWS of Alabama, Mr. FLOOD, Mr. SLACK, Mr. ADDABBO, Mr. LIPSCOMB, Mr. MINSHALL, Mr. RHODES, Mr. DAVIS of Wisconsin, and Mr. Bow were appointed managers on the part of the House at the conference.

The message further announced that the House had passed the following bills in which it requested the concurrence of the Senate:

H.R. 9654. An act to authorize subsistence, without charge, to certain air evacuation patients;

H.R. 10124. An act to amend section 2401 of title 28, United States Code, to extend the time for presenting tort claims accruing to persons under legal disability;

H.R. 13407. An act to consent to the amendment of the Pacific Marine Fisheries Compact;

H.R. 13816. An act to improve and clarify certain laws affecting the Coast Guard;

H.R. 13959. An act to provide for the striking of medals in commemoration of the many contributions to the founding and early development of the State of Texas and the city of San Antonio by Jose Antonio Navarro;

H.R. 14464. An act to amend the Act of August 12, 1968, to insure that certain facilities constructed under authority of Federal law are designed and constructed to be accessible to the physically handicapped;

H.R. 14789. An act to amend title VIII of the Foreign Service Act of 1946, as amended, relating to the Foreign Service Retirement and Disability System, and for other purposes;

H.R. 15095. An act to amend the Social Security Act to provide a 15-percent across-the-board increase in benefits under the old-age, survivors, and disability insurance program; and

H.R. 15166. An act authorizing additional appropriations for prosecution of projects in certain comprehensive river basin plans for flood control, navigation, and for other purposes.

The message also announced that the House had agreed to the concur-

rent resolution (H. Con. Res. 454) calling for the humane treatment and release of American prisoners of war held by North Vietnam and the National Liberation Front, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the bill (H.R. 11711) to amend section 510 of the International Claims Settlement Act of 1949 to extend the time within which the Foreign Claims Settlement Commission is required to complete its affairs in connection with the settlement of claims against the Government of Cuba, and it was signed by the Vice President.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 9654. An act to authorize subsistence, without charge, to certain air evacuation patients; to the Committee on Armed Services.

H.R. 10124. An act to amend section 2401 of title 28, United States Code, to extend the time for presenting tort claims accruing to persons under legal disability; and

H.R. 13407. An act to consent to the amendment of the Pacific Marine Fisheries Compact; to the Committee on the Judiciary.

H.R. 13816. An act to improve and clarify certain laws affecting the Coast Guard; to the Committee on Commerce.

H.R. 13959. An act to provide for the striking of medals in commemoration of the many contributions to the founding and early development of the State of Texas and the city of San Antonio by Jose Antonio Navarro; to the Committee on Banking and Currency.

H.R. 14464. An act to amend the act of August 12, 1968, to insure that certain facilities constructed under authority of Federal law are designed and constructed to be accessible to the physically handicapped; and

H.R. 15166. An act authorizing additional appropriations for prosecution of projects in certain comprehensive river basin plans for flood control, navigation, and for other purposes; to the Committee on Public Works.

H.R. 14789. An act to amend title VIII of the Foreign Service Act of 1946, as amended, relating to the Foreign Service Retirement and Disability System, and for other purposes; to the Committee on Foreign Relations.

HOUSE CONCURRENT RESOLUTION REFERRED

The concurrent resolution (H. Con. Res. 454) calling for the humane treatment and release of American prisoners of war held by North Vietnam and the National Liberation Front, was referred to the Committee on Foreign Relations.

CHANGE OF REFERENCE OF S. 3244 AND S. 3245

Mr. HARRIS. Mr. President, on yesterday, S. 3244 and S. 3245, bills introduced by me having to do with judgments in favor of the Sac and Fox Tribe of Indians, were referred to the Committee on the Judiciary.

I am informed by the Parliamentarian that the new procedure is that the bills

should be referred to the Committee on Interior and Insular Affairs.

I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of these bills and that they be referred to the Committee on Interior and Insular Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

WASHINGTON AREA TRANSPORTATION

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that I may be permitted to proceed for 6 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of Virginia. Mr. President, I am delighted that this year's appropriations bill for the Department of Transportation makes a start on the rapid transit system for the Washington area.

The Federal contribution provided for the Washington Metropolitan Area Transit Authority is not only welcome but overdue. It permits a start on what I believe to be one of the most important transit systems in the United States.

No one who has occasion to travel in the District of Columbia, northern Virginia, and suburban Maryland can doubt the need for this system. The present congestion is nearly intolerable, and until adequate public transportation is provided, it can only get worse.

Those of us who have urged this transit system for the past several years have high hopes that it will provide at least part of the solution for the tremendous traffic problems facing the National Capital area.

But while we have high hopes, I think we must admit that fulfillment is not going to come quickly. The Transit Authority's own estimates indicate that the first inner city lines are 3 to 5 years away, and extensions into the suburbs will not come for 7 to 10 years. Experience with construction schedules of major public works suggests that these estimates are optimistic.

The colossal traffic jams caused by the recent bus strike show that the area is alarmingly close to strangling in its own traffic. Even under normal conditions, the congestion on the bridges between northern Virginia and the District of Columbia is fearsome at peak traffic hours.

I believe that right now is the time to explore the possibility of improving the area's public transportation.

If a decade or more passed before any major improvement is made, we may come to the point where there will be a sign on the Virginia side of the Potomac bridges saying, "Washington: You Can Not Get There From Here."

I do not believe that day need come. I think effective action to improve public transportation—specifically, rail transit using existing lines—can be taken almost at once.

I would not for a moment suggest that the Metro system be held up to accomplish short-range improvements. On the contrary, I think every effort should be made to build the new system as rapidly as possible.

At the same time, I believe that short-run action should be taken. This would

not lead to curtailment of the subway system; it would not even serve exactly the same areas. And in the long run, it is quite possible that service using existing lines would be needed as a permanent supplement to the Metro Transit system.

A number of studies have been made of ways to exploit existing rail lines to provide commuter service. The problem has been investigated by the Northern Virginia Transportation Commission, the National Capital Transportation Agency, and the Washington Metropolitan Transit Authority itself.

Last year, the Senate Public Works Committee issued a study incorporating many of the previous investigations and making specific recommendations for rail service. I believe the time has come to take action on the committee's report or on some alternate proposal to furnish augmented rail transit over existing lines.

A large-scale, cooperative effort will be required if the Public Works Committee study, or some feasible alternative, is to be implemented.

Leaders of the communities must be involved.

Officials of the railroads and the railroad brotherhoods must be involved.

The Washington Metropolitan Area Transit Authority and transportation agencies in the localities must be involved.

The U.S. Department of Transportation must be involved.

Clearly, this is not a simple undertaking. It is a major effort.

But the penalties of failure to act are severe, and the rewards of success could be enormous. I believe the effort must be made. I offer whatever assistance my own office can reasonably provide.

Working together, we can take the first steps. Let us hope that next year we can begin the actual work and funding that is necessary.

We are already late.

Mr. President, I ask unanimous consent that a brief excerpt from the Senate Public Works Committee report of July 19, 1968—Document No. 117, 90th Congress, second session—together with a commentary, be printed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMUTER ZONE STEPS FOR ACTION

(1) That a commuter rail service be instituted within 1 year having the following characteristics:

Trains operating on a through-routed basis between Germantown, Md., and Manassas, Va., and between Baltimore, Md., and Quantico, Va.

Trains serving some of the existing on-line stations as well as several new collection stations to be constructed, all stations to be provided with adequate parking and highway facilities.

Trains providing downtown Washington accessibility with stops at Union Station plus one or two new stops that will be constructed along the existing right-of-way between the Bureau of Engraving and South Capitol Street. The new stops are key essentials to successful patronage of the system.

A feeder-bus network utilizing a combination of new, specialized shuttle service and

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deed, because the crisis is so serious in the organization and delivery of health care, there are many who argue that we must make improvements here first, before we can safely embark on national health insurance.

I believe the opposite is true. The fact that the time has come for national health insurance makes it all the more urgent to pour new resources into remaking our present system. The organization and delivery of health care is so obviously inadequate to meet our current health crisis that only the catalyst of national health insurance will be able to produce the sort of basic revolution that is needed if we are to escape the twin evils of a national health disaster or the Federalization of health care in the Seventies. To those who say that national health insurance won't work unless we first have an enormous increase in health manpower and health facilities and a revolution in the delivery of health care, I reply that until we begin moving toward national health insurance, neither Congress nor the medical profession will ever take the basic steps that are essential to reorganize the system. Without national health insurance to galvanize us into action, I fear that we will simply continue to patch the present system beyond any reasonable hope of survival.

The need for comprehensive national health insurance and concomitant changes in the organization and delivery of health care in the United States is the single most important issue of health policy today. If we are to reach our goal of bringing adequate health care to all our citizens, we must have full and generous cooperation between Congress, the Administration, and the health profession. We already possess the knowledge and the technology to achieve our goal. All we need is the will. The challenge is enormous, but I am confident that we are equal to the task.

SECRECY ABOUT ACTIVITIES IN LAOS

Mr. FULBRIGHT. Mr. President, the Senate debate yesterday, both during the open and the closed sessions, took us a little closer to the goal of removing the official secrecy in which our activities in Laos have been cloaked since the Kennedy administration.

The awkward and fragile nature of that secrecy becomes more apparent as pieces of our activity in Laos gradually emerge for public view. The President himself last week added to the public's knowledge with the statement that, in his words, "we are also interdicting the Ho Chi Minh Trail as it runs through Laos." I do not believe that an American official prior to that time had publicly acknowledged that activity.

Yesterday, the Senator from Louisiana (Mr. ELLENDER), as acting floor manager of the Defense Appropriations Act, stated that that measure includes "approximately \$90 million for the support of the Royal Laotian Army." That represented, I believe, the first time a figure had been publicly disclosed.

My point today is that these are facts the American public deserves to have before it just as the Senate deserved to have the full details of our operations in and over Laos yesterday in order to deal responsibly with the proposed legislation before it.

The President's statement about interdiction and Senator ELLENDER's military assistance figure were both incomplete. Therefore, both statements were

unfortunately misleading if used to imply a total description of what we are doing in Laos or the cost to the American people of our activities there.

I would hope that the administration will seriously study yesterday's Senate debate and reconsiders its position on continuing the secrecy of our Laos involvement. As the Senator from Arizona (Mr. GOLDWATER) put it yesterday during the open session:

I was in Thailand two days ago and there are no major secrets there as to what we are doing.

Mr. President, unlike Senator GOLDWATER, the people of the United States cannot go to Thailand to get the facts on what we are doing there and in Laos. The time has come for their Government to tell them—directly and with the detail that permits them to understand that policy which clearly involves both war and peace and the spending of American lives and dollars.

PAUL PETZOLDT, MOUNTAIN MAN

Mr. McGEE. Mr. President, in an age of increasing creature comforts and the luxuries of civilization, there remains a need for the true men of the outdoors—for those who will use the challenges of nature to temper the new generation. Such a man lives in Lander, Wyo. His name is Paul Petzoldt. He runs the National Outdoor Leadership School, whose campus is the Wind River Mountains of Wyoming. He teaches outdoor life, conservation, and survival as perhaps no one else can or does. But more, what he teaches is confidence—a badly needed commodity always. Life magazine, in its current issue, profiles Paul Petzoldt and his school, and writer Jane Howard, in that article, sums up his message to his students when she writes:

Petzoldt keeps saying he is no missionary, but somehow he transmits an evangelistic message: you are more and better and stronger than you ever thought you could be.

Mr. President, I ask unanimous consent that Jane Howard's article entitled "Last Mountain Man? Not If He Can Help It," published in Life, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LAST MOUNTAIN MAN?—NOT IF HE CAN
HELP IT

(By Jane Howard)

If I could choose somebody to be stranded with on a desert island, or to get me out of any dilemma from a flat tire to the charge of an enraged bull moose during a lightning storm, I would instantly and confidently ask for Paul Petzoldt.

I'd have good reason. For one thing, Petzoldt is reassuring just to look at, reminding one as he does of Santa Claus, Falstaff and Hercules. He is six feet one inch tall, weighs 240 pounds and has gigantic circumflex brows over slightly slanted blue eyes. He is also transfixing to listen to, using words like *alpenglow*, *timberline* and *scarify* to tell of nearly 62 years of adventure—set not only in Wyoming, where he lives, but the Himalayas, the Alps and even flatlands and offices.

More to the point, Petzoldt would get us both out of there, wherever "there" might be, with more finesse than anyone I know of. We'd end up safe, warm, and a little sorry if

all was over, because adventure is to Petzoldt what hymns are to a choirmaster. It has been not only his livelihood but his delight ever since 1924, when the first pair of dudes hired him to guide them up the Teton mountains. "I guess I've never been afraid to try anything," he says, and I guess he's probably right.

But he is not merely intrepid. Besides his gusto for skirmishes with the elements, he has a militant reverence for the natural world, as those whom he ushers into the wilderness soon learn. Once he made two boys walk back 12 miles to pick up a couple of pieces of tinfoil.

Petzoldt legends abound. He holds the world record for spending the longest continuous time at an altitude of more than 20,000 feet without artificial oxygen. He has invented a widely used system of signals for rope climbers, started the first mountaineering guide service in the United States, and probably made more first ascents of mountains than anyone in this country.

He knows the Tetons and the Wind River Mountain Range the way a good cable knows The Bronx. Once, when nobody else dared climb to the top of the Tetons to investigate a plane crash, he and a ranger made a three-day ascent in a whiteout blizzard, to discover 23 corpses. Another time, when a hapless parachutist had been trapped for a week atop a 5,117-foot volcano plug, Petzoldt led the rescue.

Once he skied seven days in howling winds and -30° weather, to dig through 10 feet of snow in search of uranium, only to find himself the victim of a hoax: the rock sample that had sent him off turned out to be from the Belgian Congo. Once he stayed in an Arizona canal all day to avoid walking barefoot on the sizzling rocks. He has also been known to kill an elk with a pocket-knife, walk a tightrope, and disguise himself as a Sikh potentate during an anti-Western street riot in Calcutta. He has played water polo and football, raised alfalfa, hopped freights, and been a chef, a fur trapper, a downhill and slalom ski champion, a traveling lecturer, a golfer, a used car salesman and a dude rancher.

"Once," says an old friend, "Paul and Gene Tunney nearly came to blows in my living room in an argument over Chinese politics. I had to strain to keep them apart, because I wasn't at all sure Gene would win." Once Petzoldt bicycled all the 400 miles from Basle to Antwerp without a centime in his pocket. Once he gave some thought to running for Congress. Earlier he yearned to be a rodeo rider, "but a horse named Appendicitis changed my mind about that." Never mind. If someone told me Petzoldt had a blue ox named Babe or could literally leap tall buildings with a single bound, I wouldn't be too surprised.

Now, at a point in life when most men face retirement, Petzoldt is plunged into an involving new venture. His National Outdoor Leadership School, founded in 1965 and affiliated with the University of Wyoming and Kansas State Teachers College is growing so fast it keeps him in the mountains all but four or five nights every summer and absorbs his year-round attention. The NOLS campus, in Wyoming, is the rugged Wind River Mountain Range, some of which has never been accurately mapped.

NOLS students, mostly in their teens and twenties, flock by the hundreds from all over the country and the world for five-week courses. Divided into patrols of 12, they carry everything they will need in backpacks that can weigh more than 40 pounds. There is no weaving of lanyards, no compulsory singing of jolly songs around campfires. The students eat what they carry and find and catch, sleep in tents, and read topographical maps so they can plot their own 100-mile itineraries up and down through arctic and tundra zones, learning as they travel to

of national health insurance. The first comprehensive compulsory national health insurance was enacted in Prussia in 1854. Throughout the Twentieth century, proposals have been periodically raised for an American program, but never, until recently, with great chance of success.

National health insurance was a major proposal of Theodore Roosevelt during his campaign for the Presidency in 1912. Shortly before the First World War, a similar proposal managed to gain the support of the American Medical Association, whose orientation then was far different than it is today. During the debate on social security in the Thirties, the issue was again raised, but without success.

Today, the prospect is better. In large part it is better because of the popularity of Medicare and the fact that many other great national health programs have been successfully launched. The need for national health insurance has become more compelling, and its absence is more conspicuous. In part, the prospect is good because the popular demand for change in our existing health system is consolidating urgent and widespread new support for a national health insurance program as a way out of the present crisis.

For more than a year, I have been privileged to serve as a member of the Committee for National Health Insurance, founded by Walter Reuther, whose goal has been to mobilize broad public support for a national health insurance program in the United States. Two months ago in New York City, the Reuther Committee sponsored a major conference, attended by officers and representatives of more than 65 national organizations, to consider a tentative blueprint for a national health insurance program. At the time of the conference, I commended Mr. Reuther for the extraordinary progress his Committee has made. I look forward to the future development of the program. Already, it offers one of the most attractive legislative proposals that is likely to be presented for our consideration next year in Congress.

We must recognize, therefore, that a great deal of solid groundwork has already been laid toward establishing a national health insurance program. It is for this reason that I believe it is time to transfer the debate from the halls of the universities and the offices of professors to the public arena—to the hearing rooms of Congress and to the offices of your elected representatives.

Early next year, at the beginning of the second session of the 91st Congress, I intend to introduce legislation proposing the sort of comprehensive national health insurance legislation that I believe is most appropriate at the current stage of our thinking. The mandate of the Medicaid Task Force in the Department of Health, Education and Welfare has been expanded to investigate this area, and I urge the Administration to prepare and submit its own proposals.

Senator Ralph Yarborough of Texas has told me that, as Chairman of the Senate Subcommittee on Health, he will schedule comprehensive hearings next year on national insurance. Our immediate goal should be the enactment of legislation laying the cornerstone for a comprehensive health insurance program before the adjournment of the 91st Congress. This is an issue we can and must take to the people. We can achieve our goal only through the mobilization of millions of decent Americans, concerned with the high cost and inadequate organization and delivery of health care in the nation.

Last week on the floor of the Senate, we witnessed the culmination of what has been one of the most powerful nationwide, legislative reform movements since I joined the Senate—the taxpayers' revolution. It now appears likely that by the end of this month, there will be laid on the President's desk the best and most comprehensive tax reform bill in the history of the Federal income tax,

a bill that goes far toward producing a more equitable tax system.

We need the same sort of national effort for health—we need a national health revolution, a revolution by the consumers of health care that will stimulate action by Congress and produce a more equitable health system.

Because of the substantial groundwork already laid, I believe that we can agree on three principles we should pursue in preparing an effective program for national health insurance:

First, and most important, our guiding principle should be that the amount and quality of medical care an individual receives is not a function of his income. There should be no difference between health care for the suburbs and health care for the ghetto, between health care for the rich and health care for the poor.

Second, the program should be as broad and as comprehensive as possible, with the maximum free choice available to each health consumer in selecting the care he receives.

Third, the costs of the program should be borne on a progressive basis related to the income level of those who participate in the program.

I believe there is no need now to lock ourselves into a specific method of financing the insurance program. There are distinct advantages and disadvantages to each of the obvious alternative financing methods that have been proposed—financing out of general revenues of the Treasury, out of tax credits, out of Social Security Trust Fund, or out of another independent trust fund that could be created specifically for the purpose.

At the present time, I lean toward a method of financing that would be based on general Treasury revenues, with sufficient guarantees to avoid the vagaries of the appropriations process that have plagued the Congress so much in recent years.

I recognize the obvious merit of the tax credit and social security approaches. In particular, Social Security financing offers the important advantage that it is a mechanism that Americans know and trust. In the thirty-five years of its existence, Social Security has grown into a program that has the abiding respect and affection of hundreds of millions of Americans. In 1966, it demonstrated its capacity to broaden its horizon by its successful implementation of the Medicare program. To many, therefore, Social Security is the obvious vehicle to embrace a program for national health insurance, and soothe the doubts and suspicions that will inevitably besiege the program when it is launched.

At the same time, however, we must recognize the obvious disadvantages of Social Security financing. Under the Social Security system, the payroll tax is heavily regressive. The poor pay far too high a proportion of their income to Social Security than our middle or upper income citizens. Today, at a time when Congress is about to grant major new tax relief to all income groups, I believe it would be especially inappropriate to finance a national health insurance program through the conventional but regressive procedures of Social Security, rather than through the progressive procedures of the Federal income tax laws.

I wish to make clear, however, that I am not now rejecting an approach that would finance national health insurance by a modified approach through the Social Security System. By the use of payroll tax exemptions and appropriate contributions from the Federal Government, it may be possible to construct a program that will build in the sort of progression that all Americans can accept. The important point here is that we must discuss these possibilities in a national

forum, and weigh the alternatives in the critical light of open hearings and national debate.

We must be candid about the costs of national health insurance. In light of our present budgetary restrictions, the price tags applied to the various health insurance programs are too high. They range from about \$10 billion for "Medicredit," the AMA proposal, to about \$40 billion for the Reuther proposal. It is therefore unrealistic to suppose that a total comprehensive program can be implemented all at once.

We can all agree, however, that it is time to begin. In light of the fiscal reality, the most satisfactory approach is to set a goal for full implementation of the program at the earliest opportunity. I believe that the goal should be 1975. The legislation we enact should reflect our firm commitment to this target date. Halfway through the decade of the Seventies, we should have a comprehensive national health insurance program in full operation for all Americans.

I have already stated my view that legislation establishing the program should be enacted next year. In January, 1971, we should begin to phase-in a program that will reach out to all Americans by the end of 1975. To meet that timetable, we should establish coverage in the first year—1971—for all infants, pre-school children, and adolescents in elementary and secondary schools. In each of the following four years, we should expand the coverage by approximately ten-years age groups, so that by the end of 1975, all persons up to age 65 will be covered by the program, and the existing Medicare program can be phased in completely with the new comprehensive insurance.

The idea of phasing in children first should receive wide support, both from the population as a whole and from the medical profession as well. As a nation today, the United States is the wealthiest and most highly developed medical society in the world, but we rank 14th among the major industrial nations in the rate of infant mortality, and 12th in the percentage of mothers who die in childbirth. In spite of our wealth and technology, we have tolerated disease and ill-health in generations of our children. We have failed to eliminate the excessive toll of their sickness, retardation, disability and death.

Equally important, we are already close to the level of manpower needed to implement a national health insurance program for our youth. American medicine is equal to the challenge. We have a solid tradition of excellence in pediatric training, with a strong and growing supply of experienced pediatricians, pediatric nurses, and allied manpower.

Moreover, by beginning our new program with youth and child care, it will be easier for the medical profession to implement the changes in the delivery system that must accompany any effective national health insurance program. And, the changes that we make in the delivery system for pediatric care will give us valuable experience and insights into the comparable but far more difficult changes that will be necessary in the delivery of care to adults as the insurance program is phased in over subsequent years.

Finally, by phasing in the insurance program over a period of years, I believe we can avoid a serious objection that will otherwise be raised—that national health insurance will simply exacerbate our current inflation in medical costs by producing even greater demand for medical care without providing essential changes in the organization and delivery system.

We know from recent experience that changes in the organization and delivery of health care in the United States will come only by an excruciating national effort. Throughout our society today, there is perhaps no institution more resistant to change than the organized medical profession. In-